

Potentially complicating matters is the ongoing complaints against both PPAs before the Federal Energy Regulatory Commission. The Ohio Consumers' Counsel in February urged the PUCO to delay ruling until the FERC cases are settled. (See Gongwer Ohio Report, February 17, 2016)

In their latest filing, the Electric Power Supply Association argued that the companies have failed to rebut the concerns raised in the complaints and FERC "should issue an order as soon as possible granting the complaints."

The group cites opposition from PJM, the Pennsylvania Public Utility Commission, the Northwest Ohio Aggregation Council and others as showing the merits of its case.

"It is rare to see these parties and suppliers in complete agreement on wholesale market issues, and that they are should be a clear sign that, to paraphrase Shakespeare, something is rotten in the state of Ohio," the group wrote.

In their testimony, AEP and FirstEnergy both argue FERC has no jurisdiction in the matter and that the complaints are baseless because the allegations of consumer harm are "misplaced." (See Gongwer Ohio Report, February 24, 2016)

### **Controlling Board Approves Funding For Elections Training, Teacher Certification, Licensure**

Controlling Board members approved \$92,500 in funding for the Secretary of State's office to hold elections training in Cleveland, though one lawmaker questioned why the event wasn't slated for Columbus.

The training event has recently been held either in Columbus as a two-day event or at five locations around the state as one-day events. Rep. Hearcel Craig (D-Columbus) asked if having the event in Cleveland could affect turnout for people in distant parts of the state. If turnout is low, he said, it could mean the office would have to come back before the board for more money.

Veronica Sherman, chief financial officer for the secretary of state's office, said she didn't expect to need more money.

"I think the cost that we have laid out here is the high end of the parameter and we would not expect to have to come back for more money," she said.

The office wanted to have only one event because it allows for more intensive training, she said.

Sen. Tom Sawyer (D-Akron) questioned part of a request from the Department of Education for \$3.2 million over two years for teacher certification and licensure, which includes the Office of Professional Conduct. The proposal cited an increase in the number of open cases, partially because of high-profile data manipulation scandals.

Sen. Sawyer asked if the department was targeting any particular types of schools or other programs in investigating data manipulation. Aaron Rausch, the department's director of budget and school funding, said they focused on individuals, not broad types of school districts.

"We appreciate that you don't want to go out on a witch hunt, but having said that, knowing that you're well targeted gives us more comfort," Sen. Sawyer said.

Mr. Rausch said the data manipulation cases are part of the increased load at the Office of Professional Conduct, but are not the only reason for the increase. Other things that have increased the caseload include a program that tracks the backgrounds of teachers and employees after they have been hired, finding any new hits to their record while they are working.

"Just in general there has been an increase in the caseload of the Office of Professional Conduct," he said.

The Controlling Board also approved a new contract the Department of Administrative Services reached with the Fraternal Order of Police Ohio Labor Council. The contract covers more than 500 employees statewide in eight state agencies, said Kristen Rankin, interim deputy director for the Office of Collective Bargaining.

The contract runs through June 30, 2018, and is similar to past contracts, though changes include switching from an annual clothing allowance to reimbursement and modifying the drug-free workplace policy to prohibit employees from working if they have blood alcohol contents above 0.02.

A request for \$1.45 million from the Development Services Agency for programs aimed at revitalizing distressed communities was deferred at the agency's request.

Other items approved by the board included requests for (Agenda):

- \$4.4 million from the Court of Claims for the payment of a wrongful imprisonment settlement for Kwame Ajamu, formerly Ronnie Bridgeman, and Wiley Bridgeman.
- \$615,852 from the Department of Natural Resources for geological mapping.
- \$1.9 million from the Ohio State University for a higher education system maintenance and upgrade project. The system manages data on student enrollment, courses, financial aid and more.
- \$3.1 million from OSU for roof and electrical repairs for three buildings on the Marion campus.
- \$4 million from the Development Services Agency for affordable housing assistance grants.

- \$1.9 million from the Ohio Environmental Protection Agency for a number of projects to clean up polluted sites.

### **Riedel Plans To Pursue Right To Work, Push For Economic Development After Toppling Incumbent**

Although he was an outsider in a primary race against an incumbent, businessman Craig Riedel has had no shortage of attention from Columbus since winning his bid to head to the statehouse in January.

The Defiance Republican edged out Rep. Tony Burkley (R-Paulding) in last week's primary to represent Defiance, Paulding, Van Wert and part of Auglaize counties.

Lacking a Democrat competitor in the November election, Mr. Riedel, 49, will be headed to the Statehouse next year. After a brief hiatus from campaigning, he said he'll begin crafting his agenda by meeting with fellow lawmakers who've already begun courting him.



Craig Riedel

"I'm in a major learning curve right now. I'm going to take the summer to meet with those other representatives who've reached out to me that want to talk to me and let me know what I might expect as to how things operate," said the newcomer, who had never run for a political office before retiring from a management position at Nucor Corporation in July to pursue the House seat.

Mr. Riedel said he'll also be familiarizing himself with the capital city, having only spent a brief amount of time at the Statehouse during the last General Assembly.

Ironically, that visit was a "shadowing" of Rep. Burkley while the incumbent performed his state rep duties. Unbeknownst to his host, Mr. Riedel would soon be angling for his job.

Mr. Riedel said he asked Mr. Burkley for the opportunity because he wanted to learn more about the legislature.

When the House GOP first threw its financial support behind Rep. Burkley, Mr. Riedel said he was confused because no one in the party had gotten to know him. (See Gongwer Ohio Report, January 4, 2016)

It's customary for both parties to protect their incumbents, especially in key elections where candidates have well-financed and organized campaigns like that of Mr. Riedel. However, the winner of Tuesday's election said he was able to pull off a victory despite the powers-that-be because voters trust him.

"I think the people we met, they saw the sincerity in my words and my life and they had the confidence in me that I was going to go to Columbus and truly represent them and that I would not be afraid to be criticized or that I wouldn't be afraid to go against the line when I felt it was necessary," he said.

At the risk of upsetting the party, Mr. Riedel said that while he's planning to vote mostly with his peers, he won't be afraid to lead on conservative issues that haven't yet been tackled, such as making Ohio a so-called "right to work" state.

Working with Nucor Corporation for 27 years, he said he saw a number of businesses choose to settle in neighboring states such as Indiana or Michigan because workers in those states are not required to join unions.

"I understand why unions may be necessary but what I believe is an individual should have a right to choose whether or not they want to belong to a union or not," he said. "I think it's wrong that you're required in Ohio to join a union if there is a union in your facility. You should have that freedom of choice."

Working in private business his entire career, Mr. Riedel said he understands how important teamwork is to being successful, however sticking to one's principals is just as important.

"I'm always going to be very respectful and of the Republican Party and I'm very conservative, but I'm always going to do what I think is right and there are going to be times when that goes divergent from what the Republicans would like me to do," he said.

"My bosses are my God and the constituents of the 82<sup>nd</sup> House District. That's who I'm going to answer to. I'm always going to do what I believe is the right thing to do," Mr. Riedel continued.

Having already knocked on the doors of 4,400 constituents with his wife, Danette, leading up to the election, he said he'll continue meeting with people in his district and find out what issues they care most about.

Another priority will be meeting with business and civic groups to determine the best way to meet his goals of reducing taxes and business regulations as well as spurring economic development, Mr. Riedel said.

## **Kasich Lags In Money Race, Walks Back Statement On Garland, Announces Arizona Leadership Team And Campaign Stops...**

Gov. John Kasich trails competitors Sen. Ted Cruz (R-Texas) and billionaire Donald Trump in the race to secure enough delegates to secure the Republican Party's nomination for president.

He also trails in the money race.

Gov. Kasich reported \$1.25 million on hand at the beginning of March, according to his latest campaign finance report filed with the Federal Election Commission. In February, he raised \$3.4 million and spent \$3.6 million.

Sen. Cruz began the month of March with \$8 million on hand. He raised \$11.8 million and spent \$17.5 million in February.

Mr. Trump had \$1.6 million on hand at the beginning of March. He raised just \$2 million in February, but loaned his campaign nearly \$7 million during the month, bring the total to \$24.3 million since entering the campaign. He spent \$9.5 million in February.

**Garland:** Over the weekend, the governor was forced to walk back a comment he made about President Barack Obama's pick to fill the seat of former U.S. Supreme Court Justice Antonin Scalia.

During a taped interview for CBS' "Face the Nation," Gov. Kasich suggested he would consider nominating Merrick Garland to a seat on the bench.

He later said that statement was made "in an effort to be polite."

"Look, you know, Garland's - I'm going have my own picks for Supreme Court," he said. "You know, the fact is, I said that they ought to meet him and talk to him, and I'm not going to pick somebody who's, you know, obviously not a respecter of the Second Amendment. I don't want people making law and so nobody should be confused, worked up or upset. He's not going to be my pick for the Supreme Court."

Also, during a taped interview on NBC's "Meet the Press," Gov. Kasich ruled out the possibility of being the running mate of either Sen. Cruz or Mr. Trump.

**Leadership Team:** Ahead of Tuesday's primary contest in Arizona, Gov. Kasich announced his leadership team there that includes two state lawmakers, two former chiefs of staff to governors, a disability rights advocate and several activists.

"We have a great team in Arizona," Gov. Kasich said. "I am very appreciative of their help to share our positive message to strengthen our country and bring real solutions to the America people."

**Campaign Stops:** Gov. Kasich on Monday was one of four presidential candidates scheduled to address the American Israel Public Affairs Committee Policy Conference.

In his speech to AIPAC, Gov. Kasich made a pitch based on experience, according to *Politico*.

On Wednesday, he is scheduled to hold a town hall event in Wisconsin, where he picked up the endorsement of former Treasurer Jack Voight.

**Draft Kasich Movement:** According to *New York Times Magazine* writer Robert Draper, the GOP establishment is not rushing to get on board the bandwagon for Gov. Kasich to secure the party's nomination in a brokered process.

According to Mr. Draper, party insiders are rejecting the movement because of his poor showing in most states, along with his support for Medicaid expansion and embrace of Common Core, despite helping to balance the budget as chairman of the House Budget Committee.

"But there's a third layer of resistance to Kasich, one with which Cruz can identify: Many Beltway Republicans don't like him," he writes.

"No doubt Chairman Kasich's strict budgets made life unpleasant for a few lobbyists. But so did his demeanor - which, D.C. veterans say, was often sanctimonious and rude," he continued.

**Campaign Continues:** Despite needing more than 100 percent of remaining elected delegates to secure the party's nomination, Gov. Kasich on Monday again reiterated that he has no plans to get out of the race.

Speaking on CNN's "New Day" on Monday morning, the governor said a brokered convention will be "an extension of this primary process."

"If I'm the only one that can beat Hillary in the fall, why would anybody say I should leave? I mean that's just -- that's nuts," he said.

**Agency Briefs: AG Rejects Another Pot Petition; Review Of EPA Rules Delayed; Painesville Man Busted For Workers' Comp Fraud; Ballot Board To Meet; Sebring Gets Funds**

Attorney General Mike DeWine on Monday rejected petition language for a ballot measure to make medicinal marijuana legal in Ohio.

The petition, Medicinal Cannabis and Industrial Hemp Amendment, was submitted by Grassroots OH with more than 2,000 signatures.

However, Mr. DeWine found two defects in the summary language, including the lack of references to proposed amendment language that "industrial hemp and medicinal cannabis shall be researched, regulated, and promoted by the state in a manner substantially similar to other agricultural crops" and another section that states 21-year-olds have "equal opportunity to access, ownership, and employment."

On Friday, Mr. DeWine rejected petition language filed by Ohio Medical Cannabis Care LLC based on 11 defects. (See Gongwer Ohio Report, March 18, 2016)

Since 2011, Mr. DeWine has rejected petition language for 13 measures dealing with marijuana.

A decision on the proposed language of another medical marijuana ballot measure is scheduled to be released Friday.

**JCARR:** Amid concerns raised by some municipalities, the Joint Committee on Agency Rule Review put off a hearing on Ohio EPA rules that came out of legislation (SB 1) designed to deal with toxic algal bloom in Lake Erie.

The regulations include monitoring and reporting of harmful algal blooms in public water systems.

"We just felt there had to be a few more questions asked," Chairman Sen. Joe Uecker (R-Loveland) said following the meeting.

According to Sen. Uecker, the rules are expected to be back on the agenda for review at the April 4 meeting.

**Bureau of Workers' Compensation:** A Lake County man was convicted of workers' compensation fraud after the agency's Special Investigations Department captured video of him working as a handyman.

Mark Walker, who was receiving temporary total disability, was ordered to repay nearly \$75,000 in benefits he collected over a five-year period. He was also sentenced to 12 to 18 months incarceration, which was suspended for three years of community control.

"The purpose of temporary total disability is to give injured workers time to recuperate, and work activity during that recovery period is prohibited," BWC Administrator/CEO Steve Buehrer said. "Mr. Walker deceptively returned to employment for several years and continued to collect thousands of dollars from BWC."

**Secretary of State:** The Ballot Board is scheduled to meet Wednesday and will take up two ballot measures, one a proposed initiative designed to boost the clean energy industry and the other a proposed constitutional amendment that would ban former lawmakers from lobbying for two years after leaving office, and cap most legislators' pay at the annual median household income in Ohio.

**Sebring Water Grant:** The U.S. Department of Agriculture has awarded the Village of Sebring a \$400,000 grant to assist with water quality improvements, a development welcomed by state and federal lawmakers.

"This grant will help provide much needed upgrades to Sebring's water system but the work is far from over," Senate Minority Leader Joe Schiavoni (D-Boardman) said in a statement. "We need to acknowledge that water quality issues will continue to plague our communities until our state makes an honest investment into fixing our crumbling underground water and sewer infrastructure."

U.S. Sen. Rob Portman stated, "I'm pleased that federal authorities are helping Sebring ensure its water supply is safe. As we move forward, I hope the Senate will act in a bipartisan way to help Ohio and other areas of the country who have similar needs. I will continue to work in a bipartisan manner to ensure that all Ohioans have access to clean and safe drinking water."

Lead-tainted water in the village and officials' slow reaction in alerting residents has led to fallout at the local level, where the Ohio EPA announced violations, and at the state level, where two agency employees were fired following a review of the circumstances. (See Gongwer Ohio Report, February 17, 2016)

At the federal level, both Mr. Portman and U.S. Sen. Sherrod Brown (D-Avon) have backed related legislation on clean water issues, which have come to the forefront in recent months due to lead tainted water in Flint, Mich., Sebring and elsewhere. (See Gongwer Ohio Report, February 3, 2016)

#### **Politics Notebook: Ramos Looks To Add Early Voting Sites; Portman On Air With Web Ad, Defends Supreme Court Decision; Clyde Up For Award**

One state lawmaker is advocating for an increased number of early voting sites.

Rep. Dan Ramos plans legislation that would allow counties to have one early voting location for every 60,000 residents. The additional early voting sites would require the approval of a county board of commissioners or, in case of Cuyahoga and Summit counties, the chartered governing body.

"With early voting for the primary recently concluding in Ohio, I believe it is time to examine and address an inequality in the system," he said. "With such variation in population, a 'one-size fits all' approach that limits the number of early voting centers does not adequately encourage public participation in the democratic process."

Under the proposal, 23 counties would be eligible to open at least one additional early voting center, according to Rep. Ramos.

"Voting is a right central to what makes us American, and this bill expands access to that right," Ramos said. "Allowing more early voting locations closer to home will benefit both



suburban and township voters outside of the city center, as well as lower income voters with limited transportation options."

**Senate Race:** The campaign of Sen. Rob Portman (R-Terrace Park) is up with a web ad touting his work to help Hebron-based ArmorSource secure a federal contract.

According to the ad, the company has added 200 jobs since inking the deal.

In a Sunday op-ed for the *Cincinnati Enquirer*, Sen. Portman defended his decision to join with fellow Senate Republicans in refusing to hold hearings on President Barack Obama's choice to fill the seat of former Supreme Court Justice Antonin Scalia.

"I have concluded that the best thing for the country is to trust the American people to weigh in and to have the confirmation process take place in a less partisan atmosphere," he wrote. "Awaiting the result of a democratic election, rather than having a nomination fight in this contentious election-year environment, will give the nominee more legitimacy and, as then - Senator Biden pointed out, better preserve the institutional credibility of the Senate and the court."

The decision has earned praise from the Judicial Crisis Network, which is launching a \$2 million TV, radio and digital ad campaign in six states, including Ohio.

"The goal of this effort is to inform and alert the citizens of Ohio that in opposing President Obama's third liberal nominee to the Supreme Court, Senator Portman is also opposing liberal domination of the court and that, with the presidential election so close, he is right to allow the people of Ohio a voice in this lifetime appointment to the nation's highest court," Carrie Severino, chief counsel for JCN and a former U.S. Supreme Court clerk, said in a statement.

"As a federal judge, Garland has made rulings undermining the Second Amendment rights of Ohioans as well as defended expansive, unchecked power of federal agencies such as the EPA, decisions that harm Ohio small businesses," she continued.

The move has drawn criticism from Democrats, including Sen. Portman's general election opponent, former Gov. Ted Strickland. (See Gongwer Ohio Report, March 16, 2016)

Sen. Portman also announced on Monday the addition of Michawn Rich as his campaign's communications director.

"We are very excited to have Michawn Rich join us as we kick off the general election," campaign manager Corry Bliss said. "Michawn's discipline and experience in competitive races - including 2014's most competitive congressional race in the country - will be a great addition to our team. She is a seasoned communicator who will help us contrast Rob's vision for a brighter future with why Ohio can't go back to Ted Strickland's Ohio when the state lost over 350,000 jobs and ranked 48th in job creation."

**Clyde Nominated For Award:** Sen. Sherrod Brown (D-Avon) on Monday urged people to vote for Rep. Kathleen Clyde (D-Kent) to receive the Gabrielle Giffords Rising Star Award by EMILY's List.

"Kathleen is one of Ohio's biggest rising stars. She's an outspoken advocate for voting rights, and even in our state's conservative legislature, Kathleen has proven an effective fighter for Ohio's women and workers," he said.

Ms. Clyde also announced that she will make stops in Columbus, Cleveland and Cincinnati with author Ari Berman to discuss his new book, *Give Us the Ballot: The Modern Struggle for Voting Rights in America*.

### **Capitol Scene: Former Dispatch Editor Marrison Joins Yost Team**

State Auditor Dave Yost said Monday he's hired Ben Marrison, the former *Columbus Dispatch* editor, as his communications director.

He replaces Carrie Bartunek, who was named senior policy adviser for public affairs.

"Ben's extensive media experience and management expertise will be a great addition to our office," Auditor Yost said in a statement. "He is a trusted name in Columbus and all over the state of Ohio, and we are fortunate to have him join our team."

Mr. Marrison, 52, previously worked for the *Cleveland Plain Dealer* and *Toledo Blade*. He starts his new post April 4 with an annual salary of \$105,000.

"The state auditor's office embodies those things that I always tried to do as a journalist: be transparent, provide public access and hold people accountable. I have a great deal of respect for the way Dave Yost has conducted himself as state auditor and as Delaware County prosecutor. His decisions are rooted in doing the right things by taxpayers without regard to politics," Marrison said.

"The position of director of communications provides me the opportunity to continue my public service, to help citizens understand how their money is being spent, and to better understand government operations – something I've been fascinated with since my earliest days as a reporter."

Mr. Marrison, a Pickerington resident, holds a journalism degree from Bowling Green State University.

### **Attorney General's Opinion**

No. 2016-010. Requested by Paulding County Prosecuting Attorney Joseph R. Burkard.  
SYLLABUS:

The judges of a court of common pleas, in the reasonable exercise of their discretion, may expend moneys generated by the court's special projects fee imposed pursuant to R.C. 2303.201(E)(1) to purchase incentives that reward a participant's compliance with the terms of the court's drug court program, provided the judges determine that the incentives contribute to the efficient operation of the court.

### **Supplemental Agency Calendar**

**Wednesday, March 23**

Ballot Board, Senate Finance Haring Rm., Senate Bldg., Columbus, 2:30 p.m. (The board will meet to determine whether each of the proposed constitutional amendments known as the "Ohio Clean Energy Initiative" and the "Ohio Ethics First Amendment" contain only one proposed amendment.)

**Thursday, March 24**

BWC Nominating Council, Conf. Rms. B&C, 31st Fl., 77 S. High St., Columbus, 1 p.m.

**Thursday, April 7**

Optical Dispensers Board, 31st Fl., 77 S. High St., Columbus, 9:30 a.m.

### **Supplemental Event Planner**

**Wednesday, April 6**

Senate Republican candidate Frank Hoagland fundraiser, The Galley, 203 Second St., Marietta, 4:30 p.m., (Host - \$1,000; Sponsor - \$500; Individual - \$350 to Hoagland for Ohio)

**Tuesday, April 12**

Vorys, Sater, Seymour and Pease LLP Legislative Reception, 52 East Gay St., Columbus, 5 p.m.

**Tuesday, April 19**

Sen. Joe Uecker (R-Loveland) fundraiser, Athletic Club of Columbus, 136 E. Broad St., Columbus, 5 p.m., (Host - \$1,000; Sponsor - \$500; Individual - \$350 to The Committee to Elect Joe Uecker)

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## House Activity for Monday, March 21, 2016

### INTRODUCED

**HB 492** ■ **CAPITAL IMPROVEMENTS (Rogers, J., Driehaus, D.)** To create the Supplemental State Capital Improvements Pilot Program funded by a temporary transfer from the Budget Stabilization Fund and to make an appropriation. Am. 131.43, 131.44, and 164.01 and to enact section 164.18.

**HB 493** ■ **CHILD ABUSE REPORTING (Sears, B., Ryan, S.)** To make changes in the child abuse and neglect reporting law. Am. 307.627, 2151.421, 2151.422, 2151.99, 3701.701, 5153.16, 5153.175, and 5153.176.

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## Daily Activity Planner for Tuesday, March 22

### Legislative Committees

~~Canceled: Senate Rules & Reference (Committee Record) (Chr. Faber, K., 466-7584),~~

~~Majority Conf. Rm., 11 a.m.~~

~~Canceled: Senate Session (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.~~

- If needed

### Agency Calendar

Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road, Training Room 1, Reynoldsburg, 8 a.m.

### Event Planner

Presidential primaries/caucuses in Arizona, Utah & Idaho (Democratic)

ACLU of Ohio and Ohio Justice and Policy Center news conference to release criminal justice report, Judicial Room, Sheraton at Capitol Square, 75 E. State St., Columbus, 10 a.m.

Rep. Nickie Antonio (D-Lakewood) and Rep. Janine Boyd (D-Cleveland Hts.) news conference on bill to remove firearms in certain domestic violence situations, Ladies Gallery, Statehouse, Columbus, 10:30 a.m.

Rep. Greta Johnson (D-Akron) and Sen. Capri Cafaro (D-Hubbard) news conference on gender diversification legislation, Ladies Gallery, Statehouse, Columbus, 2 p.m.

Sen. Troy Balderson (R-Zanesville) fundraiser, Athletic Club of Columbus, Tally Ho Room, 136 East Broad Street, Columbus, 5 p.m., (Event Host \$1,000; Event Sponsor \$500; Individual Attendee \$350 to Troy Balderson for State Senator)

Sen. Jay Hottinger (R-Newark) fundraiser, Athletic Club, Gold Rm., 136 E. Broad St., Columbus, 5 p.m., (\$1,000, \$500 or \$350 to Citizens for Hottinger)

Sen. Kevin Bacon (R-Columbus) fundraiser, Athletic Club, Crystal Rm., 136 E. Broad St., Columbus, 5 p.m., (\$1,000, \$500 or \$350 to Citizens for Kevin Bacon)

Sen. Bill Coley (R-Liberty Twp.) fundraiser, Claddaugh, 585 S. Front St., Columbus, 5:30 p.m., (Hoste: \$1,000; Sponsor \$500; Individual attendee: \$350 to Friends of Bill Coley)

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## Senate Activity for Monday, March 21, 2016

### INTRODUCED

#### **SB 297**

**STUDENT EXPULSIONS (Hughes, J.)** With respect to the expulsion of a student from a school district, community school, or STEM school for communicating a threat of violence to occur on school grounds. Am. 3313.66 and 3313.661 and to enact section 3313.668.

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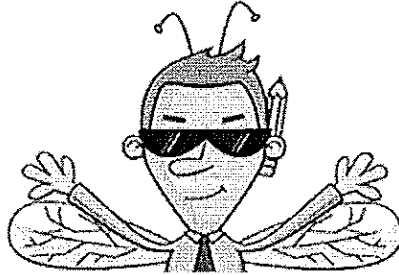
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**From:** Thomas B. Fordham Institute

**Sent:** Wednesday, April 6, 2016 2:02 PM

**To:** Derksen, Nick

**Subject:** The Education Gadfly Weekly: If Republicans drown in Trump's wake, so might education reform

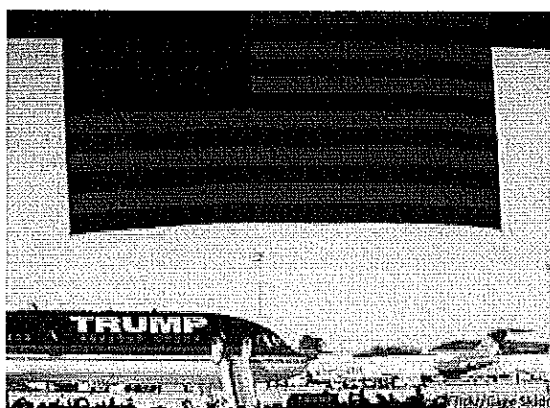


# THE EDUCATION GADFLY WEEKLY

VOLUME 16 NUMBER 14 | APRIL 4, 2016

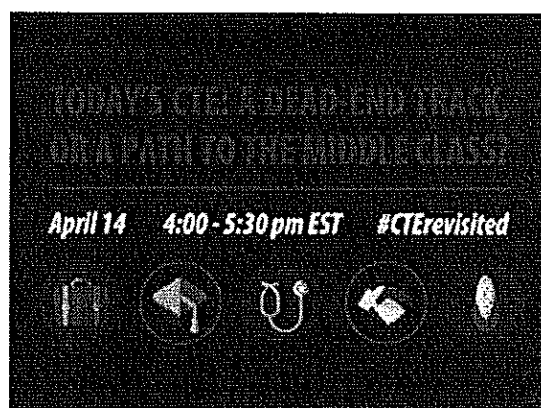
IF REPUBLICANS DROWN  
IN TRUMP'S WAKE,  
SO MIGHT EDUCATION REFORM

By Chester E. Finn, Jr.



## Trump's rise is a wake-up call for education reformers

By Robert Pondiscio



## UPCOMING EVENT: Today's CTE: A Dead-End Track, or a Path to the Middle Class?

# OPINION

## If Republicans drown in Trump's wake, so might education reform

By Chester E. Finn, Jr.

Political prognosticators predict that if Trump is the Republican nominee, he could hurt the GOP's odds of prevailing in innumerable races up and down the ballot. Here's what it might mean for education reform if they are right. (Hint: It's not good.)

## Trump's rise is a wake-up call for education reformers

By Robert Pondiscio

Broad swaths of Americans feel disconnected from public institutions and convinced that policy makers don't understand or much care about them. Education reform has done little to bridge that divide. That has to change.



# THE EDUCATION GADFLY SHOW

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## THE OPENING DAY EDITION

On this week's podcast, Robert Pondiscio and Brandon Wright discuss Donald Trump's effect on education reform, efforts to improve gifted education in Illinois, and Eva Moskowitz's disapproval of the opt-out movement. In the Research Minute, Amber Northern examines school turnaround efforts in North Carolina.



## BRIEFLY NOTED

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By Kevin Mahnken

Now that New York's students are heading into another year of Common Core-aligned standardized testing, it's probably time to start taking bets on exactly how many kids will actually show up. With last year's opt-out numbers reaching a staggering 20 percent and a new Regents chancellor claiming that she'd keep her own kids from taking the exams, assessment boosters might be wondering if anyone's willing to speak up for the joy of filling in tiny bubbles. If so, they've found perhaps the least surprising champion in Success Academy honcho Eva Moskowitz, who gave a stridently pro-assessment interview last week following a pre-test pep rally in Harlem. "We need to know how the most affluent

communities are performing and whether our kids can do as well as those—and you can't do that with internal assessments," she noted. Her arguments were later echoed by old pal Al Sharpton—you remember, the guy who memorably roasted her for protesting Mayor de Blasio's charter policies. The good reverend is now on the record imploring students to take the tests and expose gaps in achievement. See? Testing was always meant to bring people together.

Chicago kids looking to enjoy a long spring weekend got a treat last Friday, when thousands of union teachers staged a one-day walkout and closed the city's schools. The cool-sounding "wildcat" strike, which pulled in local low-wage workers and tied up downtown traffic, was launched in protest of the state government's failure to agree on legislation addressing the district's yawning financial deficit. The union's relationship with the city government, which has been contentious since a much longer work stoppage in 2012, isn't likely to benefit from the demonstration; the school board has denounced it as illegal and filed a complaint with the Illinois Educational Labor Relations Board. If they're hoping to get under the skin of Mayor (and union *bête noire*) Rahm Emanuel, though, they're likely to be disappointed: He spent the weekend in New York, savoring a performance of *Hamilton* on Broadway. On the bright side, it's possible he was just absorbing some edifying lessons in civics.

Rhode Island is, in many ways, the unpolished jewel in New England's crown. Uncomplicated by Connecticut's plutocratic sterility and Maine's interminable tracts of frozen darkness, it is nevertheless easy to lose track of during the American traveler's long sojourn to the mid-Atlantic. But state officials want you to know that there's more to Massachusetts's tiny southern neighbor than carnivorous seagulls and organized crime! Just last week, reform-friendly Education Commissioner Ken Wagner released his plan to allow the state's schools to be designated "empowerment schools," allowing them unheard-of levels of autonomy. Under the proposal, such entities would gain far greater budgeting, curriculum, and personnel authority. They would also be allowed to embrace open enrollment, accepting students from anywhere in the state. The plan is already receiving a far better reception than the state's troubled new publicity campaign: In addition to ludicrously overbilling Rhode Island's share of national historic monuments, the publicity push also attempted to christen a state slogan of "Cooler & Warmer," which, as you may have gathered, makes no sense. Hope they aren't earmarking future tourism dollars in the education budget.

# REVIEWS

## STUDY

### **The U.S. workforce lags behind its international counterparts**

By Darien Wynn

Adults in other countries demonstrate, on average, superior literacy, numeracy, and problem-solving skills—a gap that surfaces long before Americans even graduate high school. Moreover, unsurprising disparities also exist among the U.S. workforce based on race and employment status. Rigorous standards and the expansion of CTE programs can help fix the situation.

## PAPER

### **Is kindergarten the new first grade?**

By Jamie Davies O'Leary

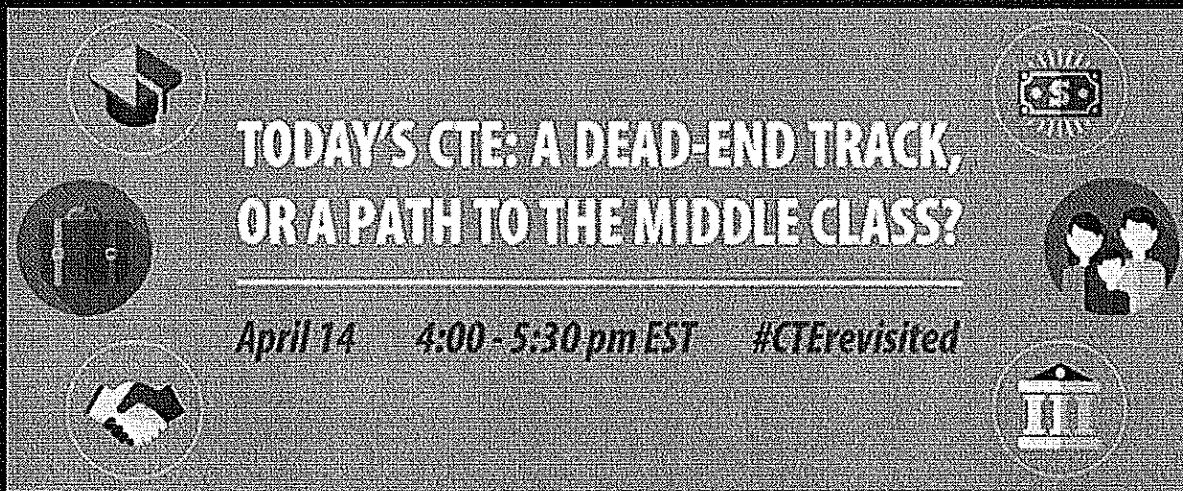
The notion that we are killing kindergarten was gaining traction long before Common Core. Until now, this narrative has been informed largely by anecdotal evidence, idealism, and good old-fashioned nostalgia. This paper finds that, overall, kindergarten has indeed become more like first grade—and that's a boon for needy students.

## REPORT

### **How to use Social Impact Bonds to grow effective education initiatives**

By Aaron Churchill

Social Impact Bonds hold the potential to unlock non-traditional financing to help grow and replicate innovative programs. But this must be done thoughtfully and with a strong dose of realism.



### UPCOMING EVENT:

## Today's CTE: A Dead-End Track, or a Path to the Middle Class?

Join the Fordham Institute on April 14, 2016 from 4:00 p.m. to 5:30 p.m. EST for an informative discussion on how states and local communities can create high-quality CTE programs that lead to better student outcomes. Shaun M. Dougherty, assistant professor of educational policy and leadership at the University of Connecticut's Neag School of Education, is presenting. Cheryl A. Oldham, senior vice president of the USCCF Center for Education and Workforce, and Dr. Charisse Childers, director of the Arkansas Department of Career Education, are responding. And Mike Petrilli, president of the Thomas B. Fordham Institute, is moderating. [Register now.](#)

# ICYMI

COMMON CORE WATCH | APRIL 4, 2016

**Common Core and PARCC**

By Victoria Sears

Despite the continued controversy surrounding Common Core, the vast majority of states that originally adopted the standards have chosen to stick with them. But the same can't be said of several new assessments, including PARCC. That's a shame because PARCC meets Common Core's high bar for rigor and quality.

FLYPAPER | APRIL 4, 2016

## **Local control versus state obligation**

By Andy Smarick

Even a careful observer of education policy could wonder, "Who's actually in charge of public schooling?" The long shadow cast by NCLB and all of the attention paid to ESSA might convince you that the feds are in control. But we know from experience that local school boards and superintendents make the lion's share of key decisions. And then there are state departments and boards of education. So who's in charge? No one and everyone.

FLYPAPER | APRIL 1, 2016

## **Public sector unions dodge a bullet in *Friedrichs* case**

By Kevin Mahnken

It's difficult to overstate the effect of Scalia's death on the court's deadlock—and, indeed, on the future of organized labor in America. A broad ruling on philosophical lines may have functionally transformed California (and every other state in the country) into a "right-to-work" environment, stripping public sector unions of their power to extract money from non-members. Instead, the 4-4 tie means that nothing will really change after all.

[Want to read this all in one place? Check out Gadfly Original!](#)

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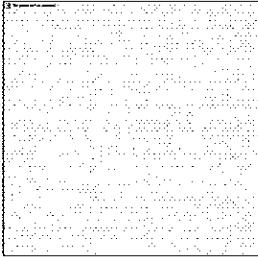
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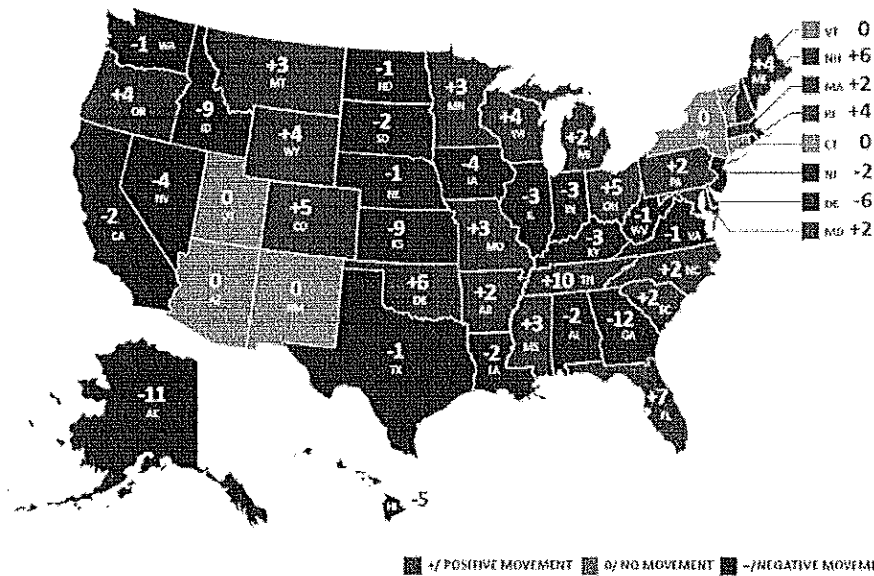
## Buckeye Institute News Alert

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Greg@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE  
April 12, 2016

Earlier this morning economists Dr. Arthur B. Laffer, Jonathan Williams, and Stephen Moore released their 9<sup>th</sup> edition of Rich States, Poor States for the American Legislative Exchange Council.

# RICH STATES, POOR STATES ECONOMIC OUTLOOK RANKING CHANGES FROM 2015 TO 2016



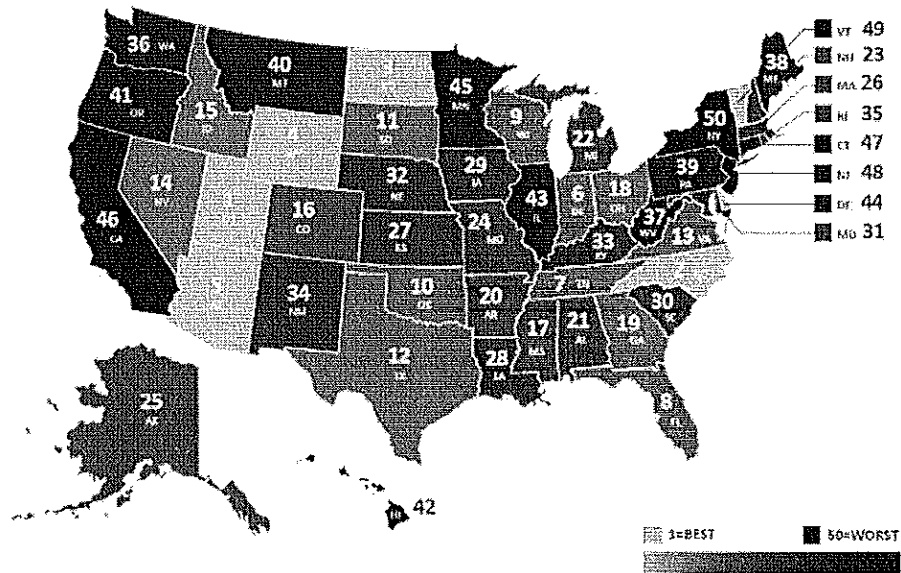
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Governor Kasich and the General Assembly have cut income tax rates, eliminated the death tax, and constrained some spending. Only Kansas has cut more in taxes than Ohio over the past nine years. These policies have helped Ohio move up from the 49<sup>th</sup> worst economic performance out of the 50 states to the 18<sup>th</sup> best in the new rankings. Ohio's improvement was the largest increase in the nation.



## 2016 RICH STATES, POOR STATES ECONOMIC OUTLOOK RANKINGS



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The rankings prove that cutting and eliminating taxes, reducing spending, and enacting labor reforms are the keys to economic prosperity. Ohio has taken steps on the first two counts, which means that the good news is that Ohio no longer has a bottom five ranking in this index, a place it had languished far too long. The bad news is that Ohio can't afford complacency and desperately needs to join our neighboring states in reforming labor laws. Wisconsin, which reformed its collective bargaining laws for public employees and adopted Right to Work, moved into the top ten on the Rich States, Poor States index. Ohio needs real labor reform in order to continue its ascent and reach its economic potential.

Thank you for supporting The Buckeye Institute's efforts to promote sound public policy in Ohio and all of the states.

###

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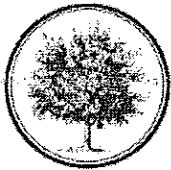
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July 20, 2017

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### **The Buckeye Institute Files Amicus Brief in Janus v. AFSCME Supporting Free Speech**

**Columbus, OH** - The Buckeye Institute filed an **amicus** brief with the Supreme Court of the United States in the case Janus v. AFSCME, supporting Mark Janus and the First Amendment. In the brief, Buckeye shows that unions can survive without compelled contributions and, alternatively, this change will lead unions to better serve their members.

"Forcing employees to pay for speech with which they disagree is a violation of their First Amendment rights," said Robert Alt, president and CEO of The Buckeye Institute. "Neither Mr. Janus, nor anyone else, should ever be forced to pay fees to a union just to keep their jobs. Such compulsion is fundamentally unjust and unconstitutional."

Illinois, among other states, forces public sector employees who opt out of the union to pay an agency fee, which is supposed to support the union for collective bargaining services, including lobbying on behalf of the union. As a result, Mr. Janus, a child support specialist with the Illinois Department of Healthcare and Family Services, is forced to pay fees to the American Federation of State, County and Municipal Employees (AFSCME), a government union, to keep his job.

As Mr. Janus said in a **January 2016 op-ed** in the *Chicago Tribune*:

"I went into this line of work because I care about kids. But just because I care about kids doesn't mean I also want to support a government union. Unfortunately, I have no choice. To keep my job at the state, I have to pay monthly fees to the American Federation of State, County and Municipal Employees, or AFSCME, a public employee union that claims to 'represent' me...

"The union voice is not my voice. The union's fight is not my fight. But a piece of my paycheck every week still goes to the union. I am not anti-union. Unions have their place. And some people like them. But unions aren't a fit for everyone. And I shouldn't be forced to pay money to a union if I don't think it does a good job representing my interests."

The Buckeye Institute's amicus brief was filed on July 7, 2017.

###

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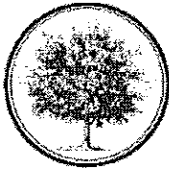
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September 28, 2017

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### **Supreme Court Takes Up *Janus v. AFSCME***

*The Buckeye Institute's Amicus Brief Called for Protection of 1st Amendment*

**Columbus, OH** - This morning, the United States Supreme Court agreed to hear *Janus v. AFSCME*, which The Buckeye Institute asked the court to take up in its **amicus** brief, supporting Mark Janus and the First Amendment. In its brief, filed on July 7, 2017, Buckeye showed that unions can survive without compelled contributions and, alternatively, that this change will lead unions to better serve their members.

"We are pleased that the Supreme Court will take up this crucial case to protect the First Amendment rights of public employees," said **Robert Alt**, president and CEO of The Buckeye Institute. "Forcing employees to pay for speech with which they disagree and forcing them to pay fees to a union in order to keep their jobs is unjust and unconstitutional. We are confident that Mr. Janus will prevail and that the court will rule in favor of the First Amendment rights of all public employees."

Illinois, among other states, forces public sector employees who opt out of their union to pay an agency fee, which is supposed to support the union for collective bargaining services, including lobbying on behalf of the union. As a result, Mr. Janus, a child support specialist with the Illinois Department of Healthcare and Family Services, is forced to pay fees to the American Federation of State, County and Municipal Employees (AFSCME), a government union, in order to keep his job.

Highlighting how union compelled fees undermine the First Amendment, Mr. Janus said in a **January 2016 op-ed** in the *Chicago Tribune*:

"I went into this line of work because I care about kids. But just because I care about kids doesn't mean I also want to support a government union. Unfortunately, I have no choice. To keep my job at the state, I have to pay monthly fees to the American Federation of State, County and Municipal Employees, or AFSCME, a public employee union that claims to 'represent' me..."

"The union voice is not my voice. The union's fight is not my fight. But a piece of my paycheck every week still goes to the union. I am not anti-union. Unions have their place. And some people like them. But unions aren't a fit for everyone. And I shouldn't be forced to pay money to a union if I don't think it does a good job representing my interests."

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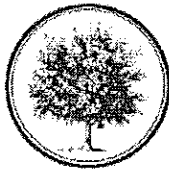
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## THE BUCKEYE INSTITUTE

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In between the numerous "Giving Tuesday" emails you have likely received today, we hope you will take a minute to read Robert Alt's compelling piece in *Forbes*.

In the article, Robert argues that we need to change our laws in order to empower public-sector workers with the voting rights they deserve.

Who among us believes it is fair that these workers are being denied the right to vote and the ability to have a voice or a choice on which union represents them? Not your Buckeye Institute. We stand solidly in favor of **Worker Voting Rights** and believe workers deserve a voice and a choice in their representation.

Buckeye President & CEO Robert Alt has been featured on more than 70 radio shows across the country in the past few months talking about Buckeye's Worker Voting Rights project, which is quickly gaining momentum, earning media attention, and catalyzing action.

As Robert describes in the *Forbes* piece in more detail (see below for the full article or [click through to Forbes directly](#)), the time has come and the time is right now for Worker Voting Rights.

---

# Forbes

## It's Time For Public Sector Workers To Be Given A Voice And Choice

Forbes

By Robert Alt

November 27, 2017

Early next year, the Supreme Court will hear *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. Mark Janus is a child support specialist at the Illinois Department of Healthcare and Family Service who objects to paying union fees, which are currently a condition of his employment. He argues that the compulsory fees force him to speak through his union in ways that violate his First Amendment rights.

If Mr. Janus prevails, he and other public-sector employees will be able to choose whether or not to pay union dues or fees without threat of being fired, which would be a tremendous victory for workers. However, even if Mr. Janus wins in court, public sector union members will still have no say regarding which union represents their bargaining unit.

Every morning, hardworking men and women in every state drink their coffee and diligently go to work on our behalf -- in our neighborhoods as public school teachers, home care workers, engineers, and in agencies protecting the environment. Unfortunately, while these civic-minded professionals go to work for us, the labor unions that they must join in order to teach our children or serve our communities do not always work for them.

Once a public-sector union is certified, it remains the workers' representative -- potentially forever. In Ohio, for example, the Columbus Education Association has represented Columbus public school teachers since 1968 -- back when the Beatles were still together and before many of today's teachers were even born.

Heirloom unions inherited from the Nixon-era are depriving today's public workers and civil servants of any meaningful voice or choice in their workplace. Ninety-four percent of union workers have **never had the chance to vote for or against their unions -- and still won't even if Janus succeeds in his case.**

When a public-sector union fails to address employee complaints or mis spends union dues, there is no ballot to cast for change. Instead, public employees remain stuck with the hand-me-down unions that workers who wore bell-bottoms chose for them.

There is a solution.

With worker voting rights, public employees would have regular elections to encourage their unions to be more responsive to their members' interests. Worker voting rights gives union workers an opportunity to be heard, to voice their concerns to their union leaders, to better understand how their union dues are spent, and to choose for themselves whether to keep the union they have, vote their union out, or vote in a better union. Worker voting rights would incentivize union leaders to cultivate broader support among the workforce they represent and to be accountable to their rank-and-file members. Not surprisingly, 82% of unionized Americans **favor holding periodic votes on their union representation.**

Once-and-for-all unions that rarely -- if ever -- face re-election have no worry of being fired by their members for poor performance or disregarding members' concerns. In states that require workers to pay "fair share" fees as a condition of employment, union leadership failure has next to no consequences, because whether the union negotiates better working conditions for its members or not, whether it spends union dues wisely or not, whether it meets the needs of its members or not, there is almost nothing public employees can do to replace or remove the poorly performing union. Even if these public employees are dissatisfied with their representation, they have to continue paying their union dues or fair share fees, or else their employment can be legally terminated.

Public-sector unions and their insulated union officials know and count on this questionable practice of denying their members voting rights, allowing unions that are not taking care of their members to remain firmly entrenched regardless of their members' satisfaction. But state lawmakers can guarantee worker voting rights for public employees by providing for regular elections by law.

Unions have played a significant role in America's workforce for well over a century. But the interests of the unions themselves should never trump the interests of the hardworking men and women these unions represent. Our civil servants and public-

sector employees deserve to have their voices heard and their choices matter -- they deserve worker voting rights.

*Robert Alt is President & CEO of The Buckeye Institute in Columbus, Ohio.*

---

p.s. The Buckeye Institute is receiving gifts today as part of "Giving Tuesday" and invite you to consider supporting our work, which is transforming public policy at the state level. Check out our **appeal from last year** for explanation of this online phenomenon and background on how it started, then submit a generous donation to **your favorite policy organization** as you are able.

# #GIVING TUESDAY

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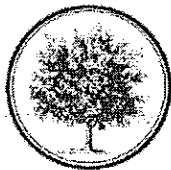
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# THE BUCKEYE INSTITUTE

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Buckeye's Robert Alt, Rea Hederman, and Lisa Gates traveled to Washington, DC, for the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, and a rally in support of Mark Janus and hard-working public employees this morning.



Robert Alt (center) with Mark Janus and Rebecca Friedrichs outside the U.S. Supreme Court after oral arguments.

Before they left, **Robert commented on the union rally in Columbus on Saturday, saying:**

"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

Before getting in line at 5:45 a.m. to attend the oral arguments this morning, Robert wrote a **piece for National Review** commenting on the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

After the oral arguments, Robert **again offered his expert opinion** to the press and his reaction to today's hearing, saying:

"What Mark, and others before him have done is not easy, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."



Robert Alt talks with media about the *Janus v. AFSCME* oral arguments and what the case means for public employees.

While Robert was in the courtroom today, Buckeye's Rea Hederman was on the steps of the Supreme Court speaking at the Stand With Mark rally outside the Supreme Court.





Buckeye's Rea Hederman speaks at the Stand With Mark rally.

###

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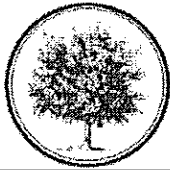
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## THE BUCKEYE INSTITUTE

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Following last week's Supreme Court ruling in *Janus v. AFSCME*, Robert Alt, president and chief executive officer at The Buckeye Institute, looked at what the ruling means for Ohio's public employees and government unions in *The Columbus Dispatch* (complete piece below).

Alt also had a piece in *The Hill*, where he wrote, "Consent matters. But you don't have to take my word for it -- just ask the Supreme Court of the United States. In *Janus v. AFSCME*, the Court's five-member majority held that the First Amendment protects public-sector employees -- including petitioner Mark Janus -- from being compelled 'to subsidize private speech on matters of substantial public concern' without prior affirmative consent."

Read the full *Hill* piece [here](#).

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# The Columbus Dispatch

Janus decision protects workers who dissent from union

*The Columbus Dispatch*

By Robert Alt

July 1, 2018

In *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, the U.S. Supreme Court decided that public-sector workers must affirmatively consent before any money can be taken from them for union fees.

Since Wednesday's ruling, folks on both sides have unfortunately succumbed to hyperbolic overreaction. The most cursory recollection of our country's founding reminds us that the same idea of consent was integral to empowering the government in the first place. Accordingly, it should surprise precisely no one that the court was concerned with the compulsion aspect of the case's facts.

Plaintiff Mark Janus -- an ordinary child-support specialist at the Illinois Department of Healthcare and Family Services -- objected to paying mandatory union fees as a condition of his employment and lamented, "The union voice is not my voice. The union's fight is not my fight. But a piece of my paycheck every week goes to the union. I am not anti-union... But unions aren't a fit for everyone. And I shouldn't be forced to pay money to a union if I don't think it does a good job representing my interests."

The Supreme Court agreed with Janus that, indeed, consent matters. Common courtesy and basic human decency have always demanded it, but now -- in overruling its own 41-year-old precedent in *Abood v. Detroit Board of Education* -- the court found that the First Amendment requires affirmative consent when it comes to paying union fees, too.

Writing for a five-member majority, Justice Samuel Alito raised the court's objection to public employees being forced to financially support their unions, "even if they choose not to join and strongly object to the positions the union takes." Such an arrangement, Alito concluded, "violates the free speech rights of nonmembers by compelling them to subsidize private speech on matters of substantial public concern."

Unions will continue to serve their consenting members for generations to come -- only now they will do so more effectively, more efficiently and without trampling the constitutional rights of their members.

Any Ohio unions worried that *Janus* and other subsequent right-to-work laws will catalyze the end of unions and union membership can rest easy. Empirical studies and data from right-to-work states, including our neighbors Indiana and Michigan,

demonstrate that even after enacting right-to-work laws, union membership not only does not suffer but often increases.

In the first full year after Indiana's right-to-work law took effect, for example, the state added 3,000 new union members. Although union membership initially fell slightly after Michigan adopted right-to-work rules in 2013, it has since recovered, accounting for 15.6 percent of all wage and salary workers in 2017 -- up from 14.4 percent in 2016 and well above the national average of 10.7 percent.

After *Janus*, the quality of public-sector union representation inevitably will improve. Removing coercion and requiring affirmative consent will incentivize union leaders to be more responsive to the needs and desires of their union members, which will increase the value of union membership by refocusing the union's attention on increasing job satisfaction and working conditions for members.

Happier and better-served union members who have affirmatively consented to their union membership should be our shared end goal across the political spectrum.

Public-sector workers won the long-overdue right to be respected, irrespective of their individual decisions regarding union membership. And, in a nation founded upon the consent of the governed, the standard of consent adopted by the Supreme Court in *Janus* finally gives our hardworking public servants the voice and choice they have always deserved.

*Robert Alt is the president and chief executive officer of The Buckeye Institute in Columbus.*

###

*Founded in 1989, The Buckeye Institute is an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.*

*The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.*



The Buckeye Institute, 88 East Broad Street,  
Suite 1120, Columbus, OH 43215

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Sent by [info@buckeyeinstitute.org](mailto:info@buckeyeinstitute.org)

district in which the child resides, and that school district shall administer the Michigan merit examination, or the child may take the Michigan merit examination at a nonpublic school if allowed by the nonpublic school. Upon request from a nonpublic school, the superintendent of public instruction shall direct the provider or providers to supply the Michigan merit examination to the nonpublic school and the nonpublic school may administer the Michigan merit examination. If a school district administers the Michigan merit examination under this subsection to a child who is not enrolled in the school district, the scores for that child are not considered for any purpose to be scores of a pupil of the school district.

(12) In contracting under subsection (2), the department of technology, management, and budget shall consider a contractor that provides electronically-scored essays with the ability to score constructed response feedback in multiple languages and provide ongoing instruction and feedback.

(13) The purpose of the Michigan merit examination is to assess pupil performance in mathematics, science, social studies, and English language arts for the purpose of improving academic achievement and establishing a statewide standard of competency. The assessment under this section provides a common measure of data that will contribute to the improvement of Michigan schools' curriculum and instruction by encouraging alignment with Michigan's curriculum framework standards and promotes pupil participation in higher level mathematics, science, social studies, and English language arts courses. These standards are based upon the expectations of what pupils should learn through high school and are aligned with national standards.

(14) In addition to the other requirements of this section and the requirements of 1970 PA 38, MCL 388.1081 to 388.1086, beginning with assessments conducted during the 2016-2017 school year, the superintendent of public instruction shall ensure that the Michigan merit examination social studies component and the M-STEP and any successor state assessment for social studies, as appropriate, include questions related to the learning objectives in the state board recommended model core academic curriculum standards concerning genocide, including, but not limited to, the Holocaust and the Armenian Genocide.

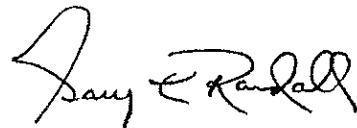
(15) As used in this section:

(a) "Armenian Genocide", "genocide", and "Holocaust" mean those terms as defined in section 1168.

(b) "English language arts" means reading and writing.

(c) "Social studies" means United States history, world history, world geography, economics, and American government.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved .....

.....  
Governor

## DRAFTING INSTRUCTIONS

### ORC 3313.60

Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city, exempted village, and local school district and the board of each cooperative education school district established, pursuant to section 3311.521 of the Revised Code, shall prescribe a curriculum for all schools under its control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States; and grade appropriate instruction about genocide, including, but not limited to, the Holocaust and the Armenian Genocide.

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a



student shall be excused from taking instruction in personal safety and assault prevention;

(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.

In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.

(f) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history; and grade appropriate instruction about genocide, including, but not limited to, the Holocaust and the Armenian Genocide. A board may waive this requirement for academically accelerated students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.

(C) As specified in divisions (B)(6) and (C)(6) of section 3313.603 of the Revised Code, except as provided in division (E) of this section, every high school shall

include in the requirements for graduation from any curriculum one-half unit each of American history and government.

(D) Except as provided in division (E) of this section, basic instruction or demonstrated mastery in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism, communism, and grade appropriate instruction about genocide, including, but not limited to, the Holocaust and the Armenian Genocide.

(E) For each cooperative education school district established pursuant to section 3311.521 of the Revised Code and each city, exempted village, and local school district that has territory within such a cooperative district, the curriculum adopted pursuant to divisions (A) to (D) of this section shall only include the study of the subjects that apply to the grades operated by each such school district. The curriculums for such schools, when combined, shall provide to each student of these districts all of the subjects required under divisions (A) to (D) of this section.

(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:

- (1) Any survey or questionnaire, prior to its administration to the child;
- (2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;
- (3) Any completed and graded test taken or survey or questionnaire filled out by the child;

(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

Sec. xxxx (uncodified)

(1) Beginning in the 2018-2019 school year, the board of a school district or board of directors of a public school academy shall ensure that the school district's or public school academy's social studies curriculum for grades 8 to 12 includes age- and grade-appropriate instruction about genocide, including, but not limited to, the Holocaust and the Armenian Genocide. The legislature recommends a combined total of 6 hours of this instruction during grades 8 to 12.

(2) Subsection (1) does not preclude a school district or public school academy from including instruction described in subsection (1) in other subject areas.

(3) The governor's council on genocide and Holocaust education is created as a temporary commission described in Title 47 of the Ohio Revised Code.

(4) The governor's council on genocide and Holocaust education shall consist of 15 members appointed by the governor. Members shall be individuals who have a particular interest or expertise in genocide education or Holocaust education, or both.

(5) If the governor determines that sufficient private funding is available for the operations of the governor's council on genocide and Holocaust education, the governor shall appoint the members of the governor's council on genocide and Holocaust education within 60 days after the effective date of this section.

(6) If a vacancy occurs on the governor's council on genocide and Holocaust education, the governor shall make an appointment for the unexpired term in the same manner as the original appointment.

(7) The governor may remove a member of the governor's council on genocide and Holocaust education for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(8) The first meeting of the governor's council on genocide and Holocaust education shall be called by the governor. At the first meeting, the governor's council on genocide and Holocaust education shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the governor's council on genocide and Holocaust education shall meet at least quarterly.

or more frequently at the call of the chairperson or if requested by 8 or more members.

(9) A majority of the members of the governor's council on genocide and Holocaust education appointed and serving constitute a quorum for the transaction of business at a meeting of the council. A majority of the members present and serving are required for official action of the council. A member may not vote by proxy.

(10) The business that the governor's council on genocide and Holocaust education may perform shall be conducted at a public meeting of the council held in compliance with Chapter 121 of the Ohio Revised Code.

(11) A writing prepared, owned, used, in the possession of, or retained by the governor's council on genocide and Holocaust education in the performance of an official function is subject to Chapter 149.43 of the Ohio Revised Code.

(12) Members of the governor's council on genocide and Holocaust education shall serve without compensation. However, if funding is available for this purpose from private sources, members of the council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the council.

(13) State funds shall not be used for the operations of the governor's council on genocide and Holocaust education.

(14) The governor's council on genocide and Holocaust education shall do all of the following:

(a) Identify, to the extent possible, all sources of strategies and content for providing and enhancing genocide education to students.

(b) Advise the superintendent of public instruction, school districts, public school academies, and nonpublic schools in this state on strategies and content for providing and enhancing genocide education to students.

(c) Identify, to the extent possible, all programs and resources to train teachers in providing genocide education to students and share these programs and resources with the superintendent of public instruction, school districts, public school academies, and nonpublic schools in this state.

(d) Promote, within the schools and general population of this state, implementation of genocide education. This duty includes, but is not limited to, all of the following:

(i) In accordance with [insert ORC section], engendering and coordinating events, activities, and education that will appropriately memorialize the victims of the Holocaust, such as observance of Holocaust Remembrance Day and the Days of Remembrance.

(ii) In accordance with [insert ORC section], engendering and coordinating events, activities, and education that will appropriately memorialize the victims of the Armenian Genocide, such as observance of the Michigan Days of Remembrance of the Armenian Genocide.

(iii) Engendering and coordinating events, activities, and education that will appropriately memorialize the victims of other genocides.

(e) Secure private funding for the governor's council on genocide and Holocaust education. The governor's council on genocide and Holocaust education may also apply for and accept grants and receive gifts, donations, and other financial support from private sources, in accordance with state law, for the purpose of carrying out its duties under this section.

(f) Carry out any other tasks that it considers to be advisable to support the ability of this state to meet its goals in providing genocide education.

(g) Submit an annual report to the legislature on the progress and status of the council.

(15) With respect to its duties, the governor's council on genocide and Holocaust education is an advisory body only. There is no right or obligation on the part of this state or its subdivisions, officials, or employees to implement the findings or recommendations of the governor's council on genocide and Holocaust education unless further legislation is enacted that specifically authorizes implementation of those findings or recommendations.

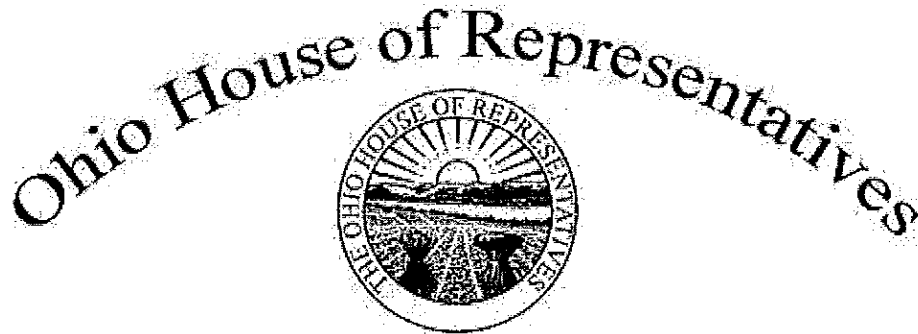
(16) As used in this section:

(a) "Armenian Genocide" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 1,500,000 Armenians by the Ottoman Turkish Empire and its collaborators.

3313.160 (addition to first page referenced)

Need to add one of the State Board of Education section (I am not sure which one),  
The state board shall ensure that the recommended model core academic curriculum content standards for history for grades 8-12 include learning objectives concerning genocide, including, but not limited to, the Holocaust and the Armenian Genocide.

**From:** Thawley, Roanna  
**Sent:** Friday, June 24, 2016 10:53 AM  
**To:** Thawley, Roanna  
**Subject:** Co-Sponsor Request: Public Sector Right-to-Work  
**Attachments:** Co-sponsor Request\_Public Sector Right to Work\_Becker.pdf



Representative John Becker  
Ohio's 65<sup>th</sup> House District

**MEMORANDUM**

**To:** GOP House Members  
**From:** Representative John Becker  
**Date:** June 24, 2016  
**RE:** Co-Sponsor Request: Public Sector Right-to-Work

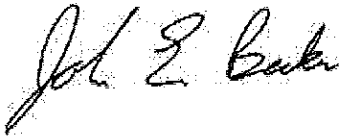
I will soon be introducing a public sector right-to-work bill.

This legislation:

- Provides public sector workers the choice to opt out of union representation and dues.
- Allows non-union employees to voluntarily make financial contributions to a union.
- Protects unions from the requirement of representing non-union employees.
- Appropriates \$30,000 in fiscal year 17 for pamphlets and brochures.

If you would like to co-sponsor this legislation or have any questions, please contact Roanna Thawley at (614) 466-8134 or [Roanna.Thawley@ohiohouse.gov](mailto:Roanna.Thawley@ohiohouse.gov). The deadline to co-sponsor is COB, Wednesday, June 29, 2016.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "John E. Becker". The signature is fluid and cursive, with the first name "John" being the most prominent.

John Becker  
65<sup>th</sup> House District

*Roanna Thawley*

Legislative Aide

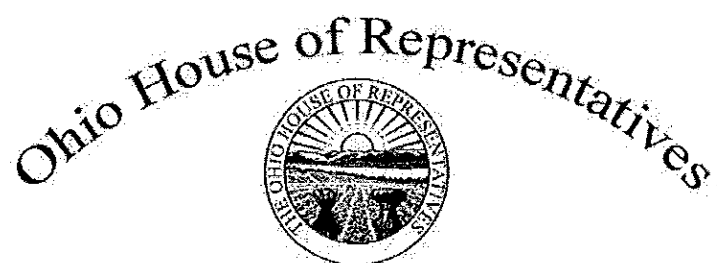
State Representative John Becker | Ohio House District 65

77 S. High Street, 12<sup>th</sup> Floor | Columbus, OH 43215

(614) 466-8134

[roanna.thawley@ohiohouse.gov](mailto:roanna.thawley@ohiohouse.gov)





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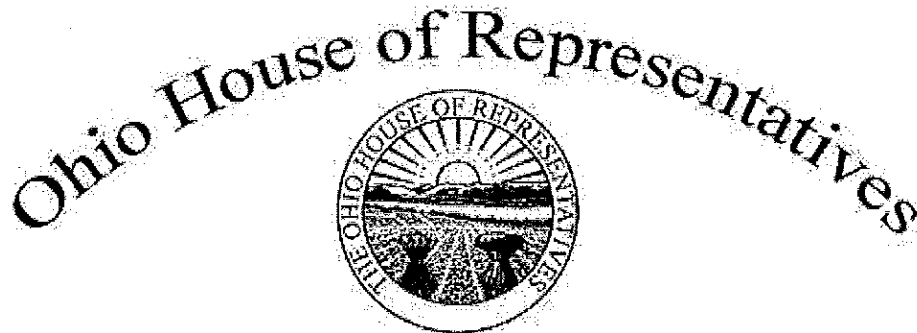
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John Becker  
65<sup>th</sup> House District

**From:** Thawley, Roanna  
**Sent:** Monday, June 27, 2016 10:51 AM  
**To:** Thawley, Roanna  
**Subject:** REMINDER: Co-Sponsor Request: Public Sector Right-to-Work  
**Attachments:** Co-sponsor Request\_Public Sector Right to Work\_Becker.pdf



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Ohio's 65<sup>th</sup> House District

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**Date:** June 27, 2016  
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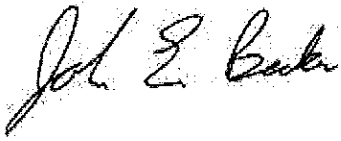
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John Becker  
65<sup>th</sup> House District

Roanna Thawley  
Legislative Aide  
State Representative John Becker | Ohio House District 65  
77 S. High Street, 12<sup>th</sup> Floor | Columbus, OH 43215  
(614) 466-8134  
[roanna.thawley@ohiohouse.gov](mailto:roanna.thawley@ohiohouse.gov)

# Ohio House of Representatives



Representative John Becker  
Ohio's 65<sup>th</sup> House District

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A handwritten signature in black ink that reads "John E. Becker".

John Becker  
65<sup>th</sup> House District

**From:** report@hannah.com  
**Sent:** Thursday, June 30, 2016 3:35 PM  
**To:** DL Hannah  
**Subject:** Hannah News Stories for Thursday, June 30, 2016

**Thursday, June 30, 2016**

**IN TODAY'S HANNAH REPORT:**

**Please click here to read the entire Hannah Report.**

**Today's Stories**

- [ODAg Shifts Exotic Animal Enforcement Focus to Smaller Facilities](#)
- [CSRAB Launches Committee to Review Statehouse Art, Mulls Themed Lighting](#)
- [Lawsuit Backers Challenging Voter Purge Weigh Appeal](#)
- [ACLU Praises Revised RNC Rules after Successful Challenge](#)
- [Becker Introduces 'Right to Work' for Public Employees](#)
- [SAK Testing Nabs Serial Rapist, Secures Forensic Center Grant](#)
- [ODE Releases Overview of Report Card Components Due for First Letter Grades in September](#)
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- [Stateline: Amid Opioid Epidemic, More Schools Offer 'Sober Dorms'](#)
- [State Government Roundup: ODOT](#)
- [People in the News: Stu Davis](#)
- [Executive Actions: Appointments](#)

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**From:** report@hannah.com  
**Sent:** Thursday, June 30, 2016 3:35 PM  
**To:** Derksen, Nick  
**Subject:** Hannah News Stories for Thursday, June 30, 2016

**Thursday, June 30, 2016**

**IN TODAY'S HANNAH REPORT:**

**Please click here to read the entire Hannah Report.**

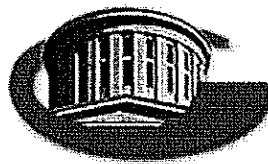
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**From:** Gongwer News Service  
**Sent:** Friday, July 1, 2016 5:24 AM  
**To:** Derksen, Nick  
**Subject:** Gongwer News Service Ohio Media Clips



**GONGWER** Ohio  
The Record of Capitol Square Since 1906

## Ohio News & Opinion For July 1, 2016

### News

[New attorneys' fees in Ohio to fund legal aid for poor \(Associated Press, 7/1/2016\)](#)

[How will medical marijuana affect your workplace? \(Cincinnati Enquirer, 7/1/2016\)](#)

[Joe Biden talks health care, praises doctors in Cleveland \(Cleveland Plain Dealer, 7/1/2016\)](#)

[Obamacare tax hike scheduled to hit retirees next year, but Sens. Brown, Portman want to stop it \(Cleveland Plain Dealer, 7/1/2016\)](#)

[Rep. John Becker proposes right-to-work bill for public employees \(Cleveland Plain Dealer, 7/1/2016\)](#)

[Republican National Convention secure zone revealed: Ohio Politics Roundup \(Cleveland Plain Dealer, 7/1/2016\)](#)

[Rob Portman's campaign, PAC each announce new ads targeting Ted Strickland \(Cleveland Plain Dealer, 7/1/2016\)](#)

[Sen. Tim Kaine accepted clothes, vacation as gifts: Today's number in politics \(Cleveland Plain Dealer, 7/1/2016\)](#)

Senate panel advances Carole Rendon's nomination for U.S. attorney of Ohio's northern district (Cleveland Plain Dealer, 7/1/2016)

Voting rights activists say election lawsuit claiming Jon Husted illegally purged voters is not over (Cleveland Plain Dealer, 7/1/2016)

Controversial NRA ad attacking Clinton airing mostly in Ohio (Columbus Dispatch, 7/1/2016)

Ohio Politics Now: Will Hillary Clinton consider Richard Cordray as a running mate? (Columbus Dispatch, 7/1/2016)

Portman coal radio ad targets southern Ohio voters (Columbus Dispatch, 7/1/2016)

State, troopers union return to contract talks (Columbus Dispatch, 7/1/2016)

GOP Convention: Who's going to speak? Where are the sponsors? (Dayton Daily News, 7/1/2016)

Local hospitals among hundreds with multiple privacy complaints (Dayton Daily News, 7/1/2016)

Taxpayers shelling out fewer dollars for fireworks displays (Dayton Daily News, 7/1/2016)

## **Editorials**

Commentary: The Supreme Court's Texas abortion ruling reignites a battle over facts (Canton Repository, 7/1/2016)

Six ways to make Ohio's online charter schools more accountable: editorial board (Cleveland Plain Dealer, 7/1/2016)

Perpetuating preferences (Columbus Dispatch, 7/1/2016)

Put babies over politics (Toledo Blade, 7/1/2016)

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**From:** Westlake, Libby  
**Sent:** Friday, July 1, 2016 5:27 AM  
**To:** Westlake, Libby  
**Subject:** E-Clips for 7/1/2016

## HOUSE E-CLIPS

### 07/01/16



#### **NEW ATTORNEYS' FEES IN OHIO TO FUND LEGAL AID FOR POOR**

New attorneys' fees approved by the Ohio Supreme Court will help fund legal services for poor and disadvantaged Ohioans.



#### **STATE, TROOPERS UNION RETURN TO CONTRACT TALKS**

The state is heading back to the bargaining table to work on a contract with the Ohio State Troopers Association after the union soundly rejected a tentative agreement.

#### **CITY OF COLUMBUS ISSUES NITRATE WARNING FOR TAP WATER**

By 2018, city water officials say, they won't have to issue advisories like the one Thursday, when high nitrate levels in drinking water in parts of the Columbus area triggered a warning for pregnant women and babies.

#### **OHIO POLITICS NOW: WILL HILLARY CLINTON CONSIDER RICHARD CORDRAY AS A RUNNING MATE?**

Democrats in Columbus are apparently buzzing with the possibility of another Ohioan being considered as presumptive Democratic presidential nominee Hillary Clinton's running mate.

**Dayton Daily News**  
[www.daytondailynews.com](http://www.daytondailynews.com)

#### **OHIO SUPREME COURT TO HEAR SPRINGFIELD RED LIGHT CAMERA LAW CHALLENGE**

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## **THE PLAIN DEALER**

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A day after Ohio Secretary of State Jon Husted scored a win in federal court, voting rights activists say the case is not over.

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#### **POLITICS ROUNDUP**

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### **SIX WAYS TO MAKE OHIO'S ONLINE CHARTER SCHOOLS MORE ACCOUNTABLE:**

#### **EDITORIAL BOARD**

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Andy Kaplan has been practicing law with the Cincinnati office of Vorys, Sater, Seymour and Pease for more than 30 years.

# THE BLADE

*One of America's Great Newspapers*

## **PANEL WEIGHS SUPPORT FOR CHILD CUSTODY CASES**

Deann Sanders' insurance company paid for the diagnosis of her severely autistic son at the age of 2, but offered no coverage for services.

**From:** Derksen, Nick  
**Sent:** Friday, July 1, 2016 6:57 AM  
**To:** mch@540westmarket.com  
**Subject:** FW: E-Clips for 7/1/2016

Nick  
614-466-2361  
[Nick.Derksen@ohiohouse.gov](mailto:Nick.Derksen@ohiohouse.gov)

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**From:** Westlake, Libby  
**Sent:** Friday, July 01, 2016 8:27 AM  
**To:** Westlake, Libby  
**Subject:** E-Clips for 7/1/2016

## HOUSE E-CLIPS

### 07/01/16

**AP** Associated Press

#### **NEW ATTORNEYS' FEES IN OHIO TO FUND LEGAL AID FOR POOR**

New attorneys' fees approved by the Ohio Supreme Court will help fund legal services for poor and disadvantaged Ohioans.

**The Columbus Dispatch**  
*Ohio's Greatest Online Newspaper*

#### **STATE, TROOPERS UNION RETURN TO CONTRACT TALKS**

The state is heading back to the bargaining table to work on a contract with the Ohio State Troopers Association after the union soundly rejected a tentative agreement.

#### **CITY OF COLUMBUS ISSUES NITRATE WARNING FOR TAP WATER**

By 2018, city water officials say, they won't have to issue advisories like the one Thursday, when high nitrate levels in drinking water in parts of the Columbus area triggered a warning for pregnant women and babies.

## **OHIO POLITICS NOW: WILL HILLARY CLINTON CONSIDER RICHARD CORDRAY AS A RUNNING MATE?**

Democrats in Columbus are apparently buzzing with the possibility of another Ohioan being considered as presumptive Democratic presidential nominee Hillary Clinton's running mate.

**Dayton Daily News**  
[www.daytondailynews.com](http://www.daytondailynews.com)

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**From:** Gongwer News Service  
**Sent:** Tuesday, July 5, 2016 5:34 AM  
**To:** Derksen, Nick  
**Subject:** Gongwer News Service Ohio Media Clips



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## Ohio News & Opinion For July 5, 2016

### News

Ohio usually a swing state, nearly always a bellwether (Associated Press, 7/5/2016)

Ohio's new schools superintendent gets on the job, looking for input from educators (Canton Repository, 7/5/2016)

Portman, Strickland focus on Ohio's drug crisis in Senate campaigns (Canton Repository, 7/5/2016)

Ad Watch: NRA says Strickland 'sold out' (Cincinnati Enquirer, 7/5/2016)

Becker introduces public right-to-work bill (Cincinnati Enquirer, 7/5/2016)

Trump announces visit to Sharonville Convention Center (Cincinnati Enquirer, 7/5/2016)

'Raise Up Cleveland' continues \$15 minimum wage campaign, despite attorney general's opinion: Ohio Politics Roundup (Cleveland Plain Dealer, 7/5/2016)

No statewide ballot measures planned for Ohio's November election (Cleveland Plain Dealer, 7/5/2016)



Prospective new political parties in Ohio face filing deadline: What to watch for Tuesday (Cleveland Plain Dealer, 7/5/2016)

Republican National Convention secure zone revealed: Ohio Politics Roundup (Cleveland Plain Dealer, 7/5/2016)

Capitol Insider: Even after Kasich's campaign, state says it can't tally, release security bill (Columbus Dispatch, 7/5/2016)

Capitol Insider: Who in Ohio Democratic Party helped John Raphael? (Columbus Dispatch, 7/5/2016)

Dispute over school funding embroils new federal education law (Columbus Dispatch, 7/5/2016)

Medicaid tax change to cost Ohio, counties (Columbus Dispatch, 7/5/2016)

Ohio quietly gave larger raises to non-union managers (Columbus Dispatch, 7/5/2016)

Portman, Strickland focus on Ohio's drug crisis in Senate campaigns (Columbus Dispatch, 7/5/2016)

State asks feds for permission to charge new Medicaid fees (Columbus Dispatch, 7/5/2016)

GOP Convention: Who's going to speak? Where are the sponsors? (Dayton Daily News, 7/5/2016)

Ohio law requires Tdap, meningitis shots (Toledo Blade, 7/5/2016)

Portman launching \$1M TV ad campaign (Toledo Blade, 7/5/2016)

## **Editorials**

Voices of protest in Cleveland (Akron Beacon Journal, 7/5/2016)

Impact of heroin addiction on driving statistics (Cincinnati Enquirer, 7/5/2016)

George Voinovich's legacy of collaborative politics must be revived: Joe Lieberman (Opinion) (Cleveland Plain Dealer, 7/5/2016)

Ohio's restrictive abortion-clinic laws need to be revised after Supreme Court's Texas ruling: editorial (Cleveland Plain Dealer, 7/5/2016)

Trump's message resonates in Ohio coal country: Thomas Suddes (Cleveland Plain Dealer, 7/5/2016)

New rules to let drone use soar (Columbus Dispatch, 7/5/2016)

Voters want to rein in government (Columbus Dispatch, 7/5/2016)

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**From:** Ohio House Republican Communications  
**Sent:** Tuesday, July 5, 2016 10:04 AM  
**Subject:** Week in Review 6/27/16 – 7/4/16



## OHIO HOUSE OF REPRESENTATIVES

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*Majority Communications Department*

# GOP Week in Review

6/27/16 – 7/4/16

**The Vindicator: New Ohio state laws and their impact, to take effect in August, September**

There were big bills that were signed into law – a \$2.6 billion capital budget with projects across the states, and a fast-paced medical marijuana effort that will add Ohio to the list of states allowing the drug for specified medical conditions.

**Sandusky Register: Sandusky State Theatre will be upgraded soon**

State Sen. Randy Gardner, R-Bowling Green, and state Rep. Steve Arndt, R-Port Clinton, both included the Sandusky State Theatre in a list of local projects that needed support.

**Enquirer: Becker introduces public right-to-work bill**

Becker, R-Union Township in Clermont County, called his proposal a "win-win" for both sides: it would allow public sector workers to opt out of union representation and dues. But those who opt out would not be eligible for union protections.

**Akron Legal News: New heroin law takes aim at drug dealers**

"This legislation will hold the drug dealers who are poisoning our neighborhoods accountable while we continue to help the addicted seek treatment," said Rep. Jonathan Dever, R-Madeira, a sponsor of the bill. "There is no silver bullet for ridding Ohio of heroin, but this law is a part of a solution that includes education and treatment options."

**Journal-News: New addiction treatment center opens in West Chester**

State Rep. Margy Conditt, R-Liberty Twp, was also at the ribbon-cutting and she feels that Lumiere can help save lives and will be a benefit to Butler County.

**Dispatch: Law fills a gap in paramedic care**

He and state Rep. Tim Ginter, R- Salem, were especially concerned that paramedics couldn't provide an antidote to police dogs that, while working, were poisoned by prescription pain drugs or heroin.

**Ellwood City Ledger: New law supports first responders who treat injured pets**

Ohio's law, which follows a similar action by Colorado in 2014, came about after Bob Swickard, the director of an EMS service in a small town in northeastern Ohio, contacted state Republican Rep. Tim Ginter with concerns about a recent rash of on-duty injuries to police dogs.

**Springfield News-Sun: Buck Creek State Park gets \$1.4M in upgrades**

The state held a dedication ceremony for the cabins at the state park Thursday.

**The Independent: Rep. Christina Hagan shepherds Epi-pen bill**

House Bill 200, sponsored by State Rep. Christina Hagan, permits public establishments, such as restaurants, swimming pools, schools and amusement parks, to carry a non-patient specific prescription to keep epinephrine, which can be administered via an injector known as an Epi-Pen.

**Times Reporter: Column from Rep. Andy Thompson: Celebrating our country this Fourth of July**

On this day, the 240th anniversary of the signing of the Declaration of Independence, people all across the nation engage in traditional celebrations of our nation's independence, with cookouts, fireworks, parades and the like.

**The Vindicator: New law allows Ohioans to drink higher-alcohol content beer**

Here are 10 more of 60 law changes OK'd before lawmakers left Columbus for their summer recess, with most set to take effect in August or September.

**Dispatch: Hit-skip law wrecks create challenges for investigators who piece cases together**

State Rep. Brian Hill, a Zanesville Republican, and Ohio Sen. John Eklund, a Republican from Geauga County, pushed for the changes. Fleeing the scene of a crash that causes serious injury or death is now a second-degree felony, which could carry as much as an 8-year sentence.

**Heartland News: Ohio Lawmakers Approve Civil Asset Forfeiture Reforms**

State Rep. Robert McColley (R-Napoleon) says the current system violates Ohioans' property and due process rights.

**Journal-News: Hamilton natural gas customers dodge 10 percent rate hike**

Gov. John Kasich signed a bill Tuesday that will spare Hamilton's natural-gas customers a 10-percent rate increase. "He signed it around 4:30 yesterday afternoon," state Rep.

Wes Retherford, R-Hamilton, said Wednesday. Retherford and Rep. Tim Schaffer, R-Lancaster, who both live in cities with municipal gas utilities, sponsored the legislation.

**Akron Beacon Journal: Kasich signs expanded movie-production credit for Ohio**

"We are grateful to Governor Kasich, the Ohio House, and the Ohio Senate for giving us this opportunity to continue to grow a thriving and adaptive media industry in Northeast Ohio. I'd also like to thank Speaker Cliff Rosenberger, Rep. Kirk Schuring, and Sen. Tom Patton, who have championed this legislation, and know just how much a sustainable media industry can benefit Ohio."

**Record-Herald: CACFC celebrates 'National Homeownership Month'**

Community Action Commission of Fayette County (CACFC) celebrated National Homeownership Month on June 24 by hosting an open house at the newly constructed home of Damian (Scott) and Ashley Forsha and their children. Also present were Marty Heide, representing Congressman Michael Turner, and State Rep. Gary Scherer was also in attendance.

**Times Reporter: Leaders from three counties, Ohio are inching closer to making progress on Route 30**

Last year, state Rep. Kirk Schuring, R-Jackson Township, was influential in getting legislation passed that created a Regional Transportation Improvement Project. Now three counties — Stark, Carroll and Columbiana — have signed a cooperative agreement with a county commissioner from each to form the co-op.

**Daily Sentinel: Field of Hope breaks new ground**

State and federal officials appeared from the offices of Ohio Attorney General Mike DeWine, state Rep. Ryan Smith, Congressman Bill Johnson, Sen. Rob Portman, the Ohio Department of Mental Health and Addiction Services and Gallipolis Municipal Court.

**The Blade: Accessible-for-all playground a first in northwest Ohio**

The renovation of Lakeview Park makes it northwest Ohio's first fully accessible playground. Also present were state Rep. Steven Arndt (R., Port Clinton) and Port Clinton Mayor Hugh Wheeler, Jr. An aide to U.S. Rep. Marcy Kaptur (D., Toledo) presented two flags that had flown over the U.S. Capitol in honor of the park's reopening.

**From:** Gongwer News Service  
**Sent:** Tuesday, July 5, 2016 3:14 PM  
**To:** Derksen, Nick  
**Subject:** Ohio Report, Tuesday, July 5, 2016  
**Attachments:** 160705dayplan.htm; Jul5.htm; Jul5Senate.htm



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## **Ohio Report for Tuesday, July 5, 2016**

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After NEOCH Decision, Seitz Suggests Lawmakers Implement Photo ID Requirements For Voting

Legislation Aligns Health Assessments For Hospitals, Public Health Districts In Effort To Improve Population Health Planning

Ohio's Competitive Marketplace Driving Lower-Than-Average Policy Rates, Insurance Leaders Say

Clinton To Open Ohio Campaign Offices, Leads Trump In Latest Fundraising Numbers

Politics Notebook: FBI Recommends No Charge Over Clinton Emails; ODP Blasts Latest Right-To Work Attempt; Advocates Press Kasich For Action On Hunger...

## **Activity Reports**

Senate

## Calendars

Day Planner

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## **Daily Activity Planner for Wednesday, July 6**

### **Legislative Committees**

No legislative committees scheduled.

### **Agency Calendar**

**Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.**

### **Event Planner**

**Sen. John Eklund (R-Chardon) fundraiser, Historic Parlor and Conservatory, 348 Mentor Avenue, Painesville, 5 p.m., (Event Host: \$1000; Couple: \$150, Individual: \$100 to Friends of John Eklund)**

**17 S. High St., Suite 630**

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**Scott Miller, President | Alan Miller, Vice President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers**

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**Volume #85, Report #128 -- Tuesday, July 5, 2016**

**Supreme Court To Hear Second Traffic Camera Case; City Of Springfield Argues Home Rule Hangs In The Balance**

The state's high court has agreed to take up a second challenge to a law that has all but eliminated the use of traffic cameras by municipalities.

The Ohio Supreme Court will hear arguments from the city of Springfield that a measure (SB342, 130<sup>th</sup> General Assembly) that requires a police officer to be present where traffic cameras are operating violates home rule and is not a general law.

In its memorandum in support of jurisdiction, the city called the law "a thinly veiled attempt to destroy local traffic-camera programs."

The city, which established its traffic camera program in 2005 at 10 intersections with high crash rates, sued over the law in Clark County Common Pleas Court but lost. It then took its case to the Second District Court of Appeals, where it again was unsuccessful.

The city now argues that if the appellate court decision is upheld, it could cripple the concept of home rule throughout the state.

"The Second District's decision erroneously reduces municipal authority and would return cities and villages to the position they were in before the people of the state of Ohio changed their constitution in 1912," the city wrote.

The city also makes the case that a "state statute with the principal purpose and effect of limiting municipal authority is not a general law to which municipal ordinances must yield."

"The Legislative Service Commission told the General Assembly that a single section of the bill, the section requiring a police officer to be present at the camera site, would cost municipalities \$73 million. The police officer sitting at the intersection has no role in the photo-enforcement process," the city wrote. "Inexplicably, SB342 requires that the officer sitting idly at a camera site must be a full-time officer. These provisions serve only one purpose - to burden photo-enforcement programs with excessive costs so that cities and villages will abandon them."

The court declined to take up a third proposition of law on whether a municipality has standing to seek a declaratory judgment declaring a state statute to be an unconstitutional incursion of its power of local self-government even where the statute does not conflict with a municipal ordinance.

In an amicus brief filed with the court in support of jurisdiction, the Ohio Municipal League and the city of Dayton, which is engaged in its own litigation over the law, also make the case that the concept of home rule is at stake. The city of Toledo has also filed an amicus brief in support of jurisdiction in the case.

"This matter extends well beyond a municipality's ability to adopt and enforce automatic traffic enforcement programs," the Dayton and OML filing states. "If the Second District's decision stands, it would give the General Assembly authority to legislatively eliminate constitutionally-provided home rule powers, specifically, those powers that are purely local."

The state, however, in its memorandum in response to jurisdiction called the lawsuit "a companion to the attack on the state's comprehensive regulation of traffic cameras."

"Like Dayton, its arguments rest on exaggerated conceptions of its home rule authority and distorted views of S.B. 342," the attorney general's office writes.

The state also deemed both lawsuits to be "quixotic attempts to redefine the court's teachings on police power regulations and standing."

#### **After NEOCH Decision, Seitz Suggests Lawmakers Implement Photo ID Requirements For Voting**

Following a federal judge's decision that struck down three provisions contained in election-related legislation that he says placed undue burdens on certain voters, one GOP lawmaker said it may be time to go with a "more rigorous" identification requirement blessed by the nation's high court.

One of the provision struck down required voters accurately complete all five fields on the provisional ballot affirmation and absentee identification envelope before their ballots could be counted, which Bill Seitz (R-Cincinnati) said in an interview were for identification purposes.

Since that has been deemed unconstitutional, Sen. Seitz said lawmakers may have no choice but to go the voter ID route.

"This constant meddling in our state election laws ultimately means that you have to resort to something the Supreme Court has already blessed," he said. "I suppose you leave us no choice but to go the photo ID route."

Sen. Seitz said the identification measure struck down was designed to prevent voter fraud. He said the federal government refuses to tell the secretary of state's office if a Social Security number corresponds to an illegal alien.

"We have precious little protection against voting by illegal aliens," he said.

But Rep. Kathleen Clyde (D-Kent) said requiring state-issued IDs to cast ballots will be a waste of taxpayer dollars.

"This is more bluster and bullying of Ohio's voters from Senator Seitz, who has been deeply involved with most of the anti-voter legislation that the courts have thrown out over the last several years," she said. "Photo-only voter ID legislation is wrong for Ohio. It's not necessary, it's discriminatory, and it would cost the state and voters millions of dollars to implement."

U.S. District Court Judge Algenon L. Marbley's ruling, which struck down two other provisions in election-related legislation passed during the previous General Assembly, is being appealed. (See Gongwer Ohio Report, June 8, 2016)

Along with throwing out the provisional ballot requirements, the judge delivered a harsh critique of voting law trends in Ohio over the last several years, saying "the Republican-controlled General Assembly's frenetic pace of introducing such legislation reflects questionable motives, given the wealth of other problems facing the state which actually needed solutions."

"If the dog whistles in the General Assembly continue to get louder, courts considering future challenges to voting restrictions in Ohio may very well find that intentional discrimination is afoot," he wrote.

Sen. Setiz, however, said he and his colleague do not have any intention to put a moratorium on election-related legislation.

"Please be assured we are not going to be delinquent in doing our duty to the people of Ohio," he said.

He also denied there was a racial motivation behind the legislation, noting that another federal court judge found the provision to be constitutional.

"This is just another example of the double-standard that activist judges who might be better suited to be legislators are following in their zeal to do the will of the Ohio Democratic Party," he said.

Josh Eck, spokesman for Secretary of State Jon Husted, said the appeals process should be allowed to play out.

"Secretary Husted certainly understands Senator Seitz's frustration with the federal court's intrusion into Ohio's elections, which is why he has appealed the ruling," he said. "Once the appeal is decided and the 2016 election is over, we can calmly assess what law changes will be necessary to ensure a balance in our election system where it is both easy to vote and hard to cheat."

Sen. Sherrod Brown (D-Avon) recently took to the Senate floor to call on his colleagues to pass an updated version of the Voting Rights Act. During his speech, he commented

on Judge Marbley's ruling and railed again voting "laws passed by an ultra-conservative state legislature in Columbus."

"We're the only advanced democracy in the world where there's actually efforts to restrict access to the ballot box," he said.

A voter ID bill has already been introduced this General Assembly. The measure (HB 189), put forth by Rep. Andrew Brenner (R-Powell), has yet to receive a committee hearing.

### **Legislation Aligns Health Assessments For Hospitals, Public Health Districts In Effort To Improve Population Health Planning**

Nonprofit hospitals and local health districts will have to complete health assessments along the same three-year cycles starting next year, according to legislation signed recently by Gov. John Kasich.

The requirement was part of a broader budget update bill (HB 390) the governor signed Tuesday. (See Gongwer Ohio Report, June 28, 2016)

Aligning the assessment periods is designed to make it easier for hospitals and their local public health officials to work together on setting priorities, according to the Governor's Office of Health Transformation.

Hospitals have already been conducting their health assessments in three-year cycles, but local health districts have been doing so on five-year cycles. The change eliminates one of the barriers to cooperation between hospitals and local health districts, said Beth Bickford, executive director of the Association of Ohio Health Commissioners.

"The whole idea is to encourage hospitals and local health departments, both of which have requirements in this regard, to try to work more closely together and to get their planning aligned so hopefully they can feed off each other's work and get some synergy in communities to achieve their health outcomes," she said in an interview.

"It is a bit of a daunting task to completely solve the problem, but I think this effort to set the three-year interval is an effort to try to at least align things from a timing perspective," she added.

There are other hurdles that hinder cooperation, she said, including geography. Hospitals and health districts don't always serve the same areas.

John Palmer, a spokesman for the Ohio Hospital Association, said hospitals already work with health districts on community health assessments, but the change will make that cooperation even easier.

"This new provision will strengthen involvement and support collaboration for our members and their partners that will benefit Ohioans and our communities," he said in an email.

One concern for local public health officials is the added cost and effort of producing the assessments every three years as opposed to every five, Ms. Bickford said.

"They're concerned about taxing their community partners with a process that is a time investment," she said. "There's a fair amount of concern about the extra time, money and asking others to commit their time as well to have it done more frequently."

The assessments look at a number of health factors affecting their communities, including rates of smoking, chronic conditions, risk factors and infectious diseases, Ms. Bickford said. Getting better information and coordinating efforts more will improve the picture health officials have of their communities' concerns.

"We can do a better job of seeing whether or not we're moving the needle on some of these health indicators," she said.

The change is also part of a broader state goal of aligning health assessments and planning to affect overall population health outcomes, according to a presentation by OHT. That broader goal includes a state health assessment, a draft of which was released last week (See Gongwer Ohio Report, June 27, 2016), and a state health improvement plan slated for the fall.

### **Ohio's Competitive Marketplace Driving Lower-Than-Average Policy Rates, Insurance Leaders Say**

Ohio's insurance marketplace is among the largest in the country and a plethora of companies call the state home - both factors that play a part in residents paying lower-than-average rates for casualty and property policies, according to the Department of Insurance.

Lt. Gov. Mary Taylor, who also serves as director of ODI, pointed to a recently released 2015 market share report of state-licensed property and casualty groups as proof that Ohio's policies continue to drive low insurance rates and make the state a preferable place to do business.

"We are focused on protecting consumers and fostering a competitive marketplace that is efficiently regulated," she said in a statement. "Positive results are being realized on multiple fronts."

There are nearly 1,000 property and casualty companies in the state's marketplace and about 140 of those are headquartered in Ohio, she said in an ODI release. State Farm, which is headquartered in Indiana, has the largest market share, holding 12.6% of all policies.

Meanwhile, Columbus-based Nationwide and Illinois-based Allstate are tied for second place at 6.7% and Progressive, which is headquartered in Mayfield, had the fourth largest market share, the report shows.

Dean Fadel, vice president of government relations for the Ohio Insurance Institute, said the market share report findings are "another demonstration of the competitive nature of the environment" that has been fostered in the state.

"We have the third most companies in the nation vying for Ohio consumers which is translated to us getting below national average rates on homeowners and auto insurance," he said in an interview. "I think when you factor in the urbanization and the traffic in Ohio, we arguably have the lowest rates in the nation."

"It's a marketplace where companies are allowed to compete, they're allowed to use within the regulatory schemes the most modernized ways of providing the product and we don't have a lot of insolvencies," Mr. Fadel added.

Ohio's average auto and homeowners premiums are \$515 below the national averages, according to a 2013 National Association of Insurance Commissioners analysis. Residents paid an average of \$763 for homeowners insurance and \$659 for auto insurance.

Employment opportunities have also been positively impacted by the state's thriving insurance industry, Ms. Taylor said.

Since 2011, she has led the charge to fill a projected 26,000 new insurance jobs by 2020 through an administration initiative called Insuring Ohio Futures. The effort includes partnerships between higher education institutions and industry leaders to create education and career pathways.

As a result, ODI reported that nine Ohio colleges and universities now offer insurance and risk management programs including bachelor, associate degrees short-term certification programs.

"We have been able to transform the landscape in just a few short years," Ms. Taylor said. "Educational programs exist that are ready to help Ohioans of all ages prepare for and claim good paying insurance jobs."

There are currently about 100,000 Ohioans working in the industry, earning the state the designation of having the seventh highest number of insurance employees in the country, according to an OII analysis. About one-third of those careers are in the property/casualty insurance field that the institute represents.

In total, more than 230 insurance companies in all segments of the industry call Ohio home, the institute reported.

## **Clinton To Open Ohio Campaign Offices, Leads Trump In Latest Fundraising Numbers**

Hillary Clinton out fundraised opponent Donald Trump in the Buckeye State nearly eight-to-one for the month of May - even after the GOP field narrowed and the billionaire solidified himself as the last Republican standing.

Building on that momentum, Ms. Clinton's campaign announced Friday the campaign took in another \$40 million during June and said Tuesday that it will open 11 new offices across the state of Ohio in the coming week.

Those include offices in Cleveland, Toledo and Woodland, with phone banks to be established in Boardman, Canton, Cleveland, Columbus, Hilliard and Trotwood. The campaign will also host a fundraiser in Lebanon and an organizing event in Delaware this week.

Mr. Trump's campaign, however, has been fairly quiet in Ohio, other than the recent hire of state campaign manager Bob Paduchik. The candidate visited the state for the first time post-primary last week. (See Gongwer Ohio Report, June 29, 2016)

Gov. John Kasich withdrew from the race May 4, clearing the way for Mr. Trump to focus on fundraising and other general election prep rather than seizing delegates. (See Gongwer Ohio Report, May 26, 2016)

But the latest Federal Election Commission filings from each campaign show that Ms. Clinton, who for much of May was battling Sen. Bernie Sanders for the Democratic nomination, raised \$153,447.22 from Ohioans between May 1-31. During that same time period Mr. Trump raised \$18,722.89 in the state.

Released last week, the numbers already showed that Mr. Trump and Ms. Clinton trailed their primary opponents in fundraising from Ohio donors. Sen. Sanders for example raised \$158,768 in Ohio while Sen. Ted Cruz led the Republican side despite his May 3 withdrawal. (See Gongwer Ohio Report, June 21, 2016)

As both campaigns shift toward the general election, however, the numbers highlight the breadth of Ms. Clinton's fundraising infrastructure compared to that of Mr. Trump's. The candidates entered June - their first full month as the presumptive nominees of their respective parties - with \$42.46 million in cash on hand for the Clinton campaign and nearly \$1.29 million in cash on hand for the Trump campaign.

Of the 57 states or territories in which both candidates received donations in May, Ms. Clinton raised more money by far in all of those areas. Her filing shows the former secretary of state raised nearly \$15.04 million from 64 territories or states, while Mr. Trump raised \$1.01 million from 56 states or territories along with a \$250 donation from a foreign country.

Ms. Clinton even outperformed Mr. Trump in right-leaning states - such as Texas, in which Ms. Clinton hauled in \$1.4 million compared to Mr. Trump's \$122,251. In their home state of New York, where Ms. Clinton was a U.S. Senator, that trend continued with Ms. Clinton earning nearly \$1.87 million compared to Mr. Trump's \$52,697.

In Ohio, Mr. Trump received donations from 25 counties in May - the largest of which were \$5,150 from Franklin County and \$2,700 each from supporters in Lorain and Miami counties. By comparison, Ms. Clinton earned donors in 76 Ohio counties, with the largest donations coming from urban areas - including \$35,818 from Cuyahoga County, \$29,038 from Hamilton County, and \$27,499 from Franklin County.

In response, the Trump campaign launched a fundraising blitz last week leading up to the second quarter FEC filing deadline of June 30<sup>th</sup>.

The campaign set a goal of raising \$10 million by the deadline, with the candidate's son, Eric Trump, telling supporters via email, "The truth is we did better than \$11 million and no amount of spin from Crooked Hillary's machine can change that fact."

The Clinton campaign, meanwhile, claims to have raised more than \$40 million during the month of June, with an additional \$28 million raised for the Democratic National Committee and state parties.

"Our first month of general election fundraising proved to be the best of the campaign," Campaign Manager Robby Mook said in a statement. "Thanks to the continued support of nearly 1.6 million people, we have been able to help Democrats build out an organizing infrastructure across the country that will mobilize millions of voters and help elect progressive candidates up and down the ballot."

The campaigns' second quarter filings, due July 15, will further show whether that funding gap persists.

Part of the contrast so far is thanks to Mr. Trump's limited fundraising efforts during the primary season. Although the campaign has accepted donations since it launched last year, it has mostly subsisted on loans from Mr. Trump to the campaign. The June filing shows the campaign has received \$45.7 million in loans from or guaranteed by the candidate during the election cycle.

Gov. Kasich, meanwhile, continues to try to aid down-ballot Republicans, including ally U.S. Sen. Rob Portman (R-Terrace Park). (See Gongwer Ohio Report, June 29, 2016)

A Tuesday email from Kasich's suspended campaign - the second such missive in as many weeks from Kasich for America - highlighted several recent media reports showcasing "Kasich's efforts to help our party maintain the majority in the U.S. Senate and also about Gov. Kasich's ongoing popularity in national polls."



**Politics Notebook: FBI Recommends No Charge Over Clinton Emails; ODP Blasts Latest Right-To Work Attempt; Advocates Press Kasich For Action On Hunger...**

FBI Director James Comey said Tuesday he is recommending Hillary Clinton not be charged for her handling of classified information via a personal email server while serving as secretary of state.

Still, he strongly chastised the Democratic presumptive nominee and her staff for being "extremely careless" in her handling of sensitive information.

"Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information."

Of the 30,000 emails provided by Ms. Clinton and the State Department in December 2014, the FBI determined 100 emails in 52 email chains contained classified information at the time they were sent or received. Eight of those contained information that was "Top Secret" when sent, 36 contained information that was marked "Secret," and eight contained "Confidential" information.

Director Comey said there were several examples of email communication regarding Top Secret/Special Access Program level information and that it is reasonable for a person in Ms. Clinton's position or her staff to "have known that an unclassified system was no place for that conversation."

Mr. Comey said his recommendation to the Department of Justice, which has the final determination on the matter, was based on a lack of willful intent to violate statute and was reached in "an entirely apolitical and professional way."

"In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts," he said. "All the cases prosecuted involved some combination of: clearly intentional and willful mishandling of classified information; or vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; or indications of disloyalty to the United States; or efforts to obstruct justice. We do not see those things here."

A Clinton spokesman said, "We are glad that this matter is now resolved," adding that Ms. Clinton has "long said it was a mistake to use her personal email and she would not do it again."

Republicans at all levels were quick to criticize the FBI's recommendation, with Ohio Republican Party Chairman Matt Borges calling the findings "a clear indictment on Hillary Clinton's lack of preparedness and judgment to be commander-in-chief."

"This wouldn't have been an issue had Hillary Clinton followed the law like everybody else and used a State Department account," Mr. Borges said. "Instead, Hillary Clinton set up an email system less secure than Gmail for herself to evade the rules because she didn't want people to know what she was doing."

Judicial Watch President Tom Fitton likewise criticized the FBI.

"Frankly, there's a disconnect between Comey's devastating findings and his weak recommendation not to prosecute Hillary Clinton," Mr. Fitton said. "Federal prosecutors, independent of politics, need to consider whether to pursue the potential violations of law confirmed by the FBI."

**Right to Work:** Rep. John Becker (R-Union Twp.) on Friday introduced a bill to make Ohio a right-to-work state, triggering an immediate reaction from state Democrats.

Critics compared the measure (HB 583) to a previous bill that that passed in 2011 only to be overwhelmingly overturned by voters (SB5, 129<sup>th</sup> General Assembly). Since then, Gov. John Kasich has repeatedly said right-to-work legislation is not on his agenda.

The latest bill would remove any requirement under collective bargaining law that public employees must join or pay dues to any employee organization.

Carolyn Best, spokeswoman for Speaker Cliff Rosenberger (R-Clarksville), said a decision about where the bill is headed has yet to be made.

"Since the bill was just introduced last week, the Speaker has not yet had a chance to fully review the legislation. When committee and House session resume in the fall, the caucus will discuss the bill further," she said.

Ohio Democratic Party Chairman David Pepper called the bill a "sneak attack on Ohio's working families for the lame duck session."

"Ohio Democrats strongly oppose this ideological attack on Ohio's working families, which will drive down wages, benefits and overall living standards for all Ohio worker," Mr. Pepper said. "It's time for real leadership in Ohio, and it's time for Gov. John Kasich to state unequivocally that he will veto any 'right to work' bill that is sent to his desk."

**Hunger:** Advocates are continuing to lobby Gov. John Kasich to request full federal food assistance for eligible counties and communities.

The call follows a recent Policy Matters Ohio report that examines communities eligible for a federal waiver of time limits in 2017. The deadline for the waiver request is this summer.

But the state has not submitted such requests in the last three years, prompting Policy Matters and others to urge Gov. Kasich to action.

"The failure to request a waiver of time limits in all eligible areas has hurt people in urban areas like Cleveland, but also in rural places, like Vinton County," PMO Senior Project Director Wendy Patton said. "We again call on the Kasich administration to maximize its use of federal resources so that hungry Ohioans can meet their most basic need - food."

Joining in the call were the Coalition on Homelessness and Housing in Ohio, the Universal Health Care Action Network of Ohio, the Ohio Association of Foodbanks, the Ohio Poverty Law Center, and the Ohio Council of Churches.

**U.S. Senate Race:** The campaign of U.S. Sen. Rob Portman launched a \$1 million statewide TV ad campaign aimed at highlighting the Terrace Park Republican's record of "standing up to China and fighting for Ohio Workers."

China and trade have been a sticking point between the incumbent and Democratic challenger and former Gov. Ted Strickland, with both throwing continued barbs at their rival's record on the topic.

The latest ad, called "Steel," focuses on Burke Byer of Cincinnati's Byer Steel as he describes an unfair playing field between American and Chinese workers.

"Our new ad highlights Rob's long record of fighting for Ohio manufacturers and workers like those at Cincinnati's Byer Steel," Portman spokeswoman Michawn Rich said. "Rob is the only candidate in this race with a record of standing up to China. Rob is leading the fight to stop China's currency manipulation and level the playing field on trade so Ohio workers can compete and win."

### **Supplemental Agency Calendar**

No agency meetings scheduled.

### **Supplemental Event Planner**

No events scheduled.

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## Senate Activity for Tuesday, July 5, 2016

### INTRODUCED

**SCR 22**

**FIREARMS (Yuko, K.)** To urge Congress to enact legislation denying firearms and explosives to suspected terrorists.

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## **Ohio Report for Friday, July 15, 2016**

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ECOT Debate Becomes Campaign Fodder In State Senate Race

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Campus Culture Survey Results To Inform Continued Sexual Violence Prevention, Response Efforts

Becker Defends Right-To-Work Bill For Public Sector, Acknowledges Its Passage Is A Longshot

Education Notes: ECOT Defends Decision To Withhold Log-In Data; Antioch Receives Accreditation; Lawmaker Urges Standards Feedback

Court Briefs: Dems File Brief In = 2Golden Week' Case; 1851 Center Seeks To Stop Eminent Domain For Pipeline; Judicial College Employee Honored

Agency Briefs: AG's Office Doles Out Funding To Rape Crisis Centers; BWC; SOS; ODNR; PUCO; Senate

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Gongwer's Ohio Convention Coverage

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Supplemental Event Planner

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Day Planner

Event Planner

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**Volume #85, Report #136 -- Friday, July 15, 2016**

**Timeline For Energy Freeze Action Unclear, Says Senate No. 2**

A Senate leader said lawmakers may not act on the soon-to-end freeze on renewable energy and energy efficiency standards until sometime next year.

Sen. Larry Obhof (R-Medina), the Senate's president pro tem and likely next chamber leader, said in an interview this week he advocates for an "all the above approach" to rethinking the mandates that were frozen in 2014 and are set to kick back in at the end of this year without legislative action.

But such an undertaking might not be easier considering the limited number of session days scheduled this fall, he said. The Senate is scheduled to return in late September with at most 21 days set for work in committees, and much fewer days anticipated for full sessions. (See Gongwer Ohio Report, June 1, 2016) The House, meanwhile, is set to reconvene after the November election with at most eight full session days.

"I think that's a pretty big issue and if there's not that many session days it remains to be seen whether that'll be tackled in that amount of time," Sen. Obhof said. "I definitely think moving forward whether it's at the end of this year or at the beginning of the next General Assembly we need to come up with a comprehensive and consistent policy on energy."

By not acting by Dec. 31, the freeze would thaw, allowing the standards to kick back into effect, which Republicans argue could harm Ohio considering lingering uncertainty over the federal Clean Power Plan and other unknowns. Proponents of the standards say any effort to extend the freeze or lower the standards would take the state backward.

There are currently three bills pending in either chamber with different approaches. A bill from Sen. Bill Seitz (SB 320) would extend the freeze until 2019, while a bill from Rep. Ron Amstutz (HB 554) would extend the freeze indefinitely. A third bill (SB 325), from Sen. Kris Jordan, would abolish the mandates completely. (See Gongwer Ohio Report, May 11, 2016)

If none of those bills pass by the end of the 131<sup>st</sup> General Assembly, the legislative slate will be wiped clean and a new bill would need to be authored to tackle the issue next year.

Sen. Obhof said that even if lawmakers act on the freeze, he believes more comprehensive action would be needed in the next General Assembly.

"I think there will be some kind of action in the next 12 to 18 months regardless of whether the freeze is extended or not," Sen. Obhof said. "I don't know if there is any



science supporting the current numbers and mandates in law. I think we need to have a fact-based approach, one that has room for all the natural resources available."

The pending end of the freeze is one of the reasons cited by Sen. Bill Seitz (R-Cincinnati) as a reason for more Republican scrutiny of Gov. John Kasich's recent appointee to the Public Utilities Commission of Ohio.

Democratic attorney Howard Petricoff on Tuesday faced his first hearing before the Sen. Seitz's Senate Public Utilities Committee. (See Gongwer Ohio Report, July 12, 2016)

"I believe we're at a unique crossroads caused by a fairly simultaneous convergence of numerous complex issues," Sen. Seitz said. "I think we all need to make an effort to understand each other on these issues and of course no one is more central to that vortex than the five members of the PUCO."

Other uncertainties he cited include ongoing rehearings of proposed Power Purchase Agreements from AEP and FirstEnergy, the departure of former PUCO Chairman Andre Porter, and the ongoing federal court case over the legality of the Clean Power Plan.

### **ECOT Debate Becomes Campaign Fodder In State Senate Race**

In one of the first significant rhetorical volleys in this legislative campaign cycle, the rising controversy over funding and student attendance at the state's largest online charter school is a point of contention in the race for the open 16<sup>th</sup> Senate District.

Democrat Cathy Johnson, a teacher looking to upset favored Rep. Stephanie Kunze (R-Hilliard) in the right-leaning western Franklin County seat, fired the initial salvo this week in criticizing the Republican over issues related to the Electronic Classroom of Tomorrow.

Her criticisms were dismissed by Sen. Dave Burke (R-Marysville), chairman of the Republican Senate Campaign Committee, who described the Democrat's statements as "misguided to say the least" and defended the Republican's positions on and support for education.

The race for the seat being vacated by Sen. Jim Hughes (R-Columbus) is one of only a handful in the Senate this year that's expected to be even marginally competitive thanks to the GOP-led reapportionment process. It has trended Republican for several years, but Democrats are hoping that with a polarizing candidate atop the GOP ticket they can make hay in legislative races this fall.

ECOT is currently locked in a legal battle with the Ohio Department of Education over attendance records, with a looming audit having the potential to strip millions of funding from the online charter founded by Bill Lager. (See Gongwer Ohio Report, July 11, 2016)

Ms. Johnson in a campaign release "announced her support" for ODE's attempts to examine ECOT's records and said Rep. Kunze voted "against measures to hold e-

schools accountable in 2015" and "has accepted \$33,000 from ECOT's founder, Bill Lager, over the past four years."

"As a mother, teacher and taxpayer, I am astonished by the deceptive tactics of this taxpayer-funded e-school," Ms. Johnson said. "It's disappointing that Representative Kunze refused to stand up for Ohio's students and taxpayers by holding ECOT accountable when she had the chance."

The Democrat said Ms. Kunze "voted with Republicans to block amendments that would have required annual audits for charter school operators, clarified that records of all charter school operators are public records and given the public more access to information on charter school board members and meeting times."

"It's disappointing that Representative Kunze refused to stand up for Ohio's students and taxpayers by holding ECOT accountable when she had the chance," Ms. Johnson added. "Instead, she chose to accept donations from ECOT's founder. We need a State Senator who is dedicated to fighting for students and families. Anyone can say yes to special interests with deep pockets."

Sen. Burke questioned the focus of Ms. Johnson's assertions, saying Rep. Kunze has a record that belies such criticisms.

"Stephanie Kunze has a record of supporting both public education and parent choice," he said. "I would also say that both traditional public education and charter schools and ECOT schools, etc. are all in need of improvement beyond a shadow of a doubt and that is what we're working on."

To that end, Sen. Burke said, Ms. Kunze was a cosponsor of HB 2, which he described as "the largest reform bill dealing with non-traditional public schools." As the legislature continues to look for improvements to all kinds of public schools, he added, "she is obviously supportive of that."

"I would say, unlike Ms. Johnson's statement, that rather than have a singular source of education, that Stephanie believes parents should have a choice. The competition within that market drives improvement, so in order for public schools to get better, parents should have a choice."

The Republican said some of the tabled budget amendments the Democrat is apparently referring to "would have basically eliminated parent choice."

Sen. Burke also pushed back on the suggestion of a quid pro quo involving campaign donations.

"I imagine Stephanie Kunze, like me, accepts money from a lot of people," he said. "I've taken money from Bill Lager. I also was a direct cosponsor of (Sen. Peggy Lehner's) bill to reform ECOT and charter schools from day one."

"I guess the inverse question there would be, 'If the (Ohio Education Association) paid money to Stephanie Kunze, do you think she'd change?' I'm guessing probably not."

The debate over ECOT escalated considerably in recent weeks as ODE moved forward with plans to review the schools attendance records. In the latest twist, the *Columbus Dispatch* reported Thursday that ECOT is refusing to release some of the requested data.

As election season progresses, Democrats have increasingly pointed to the majority GOP's ties to ECOT, which has been at the forefront of the Republican-led expansion of the charter industry in the state.

Carrying forward the support of his predecessor, Speaker Cliff Rosenberger (R-Clarksville) spoke at this year's ECOT graduation ceremony, which in the past has been attended by other prominent Republican officeholders.

The Ohio Democratic Party recently called for a moratorium on state funding to ECOT and a larger investigation into the state's charter school system, stating: "Last year as the Ohio General Assembly considered a bill to reform charter schools, Lager gave nearly \$150,000 to 21 Ohio Republican legislators over the course of two months."

#### **RNC Update: Trump Confirms Pence As VP Pick; 'Never Trump' Efforts Fail...**

Donald Trump on Friday became the first presumptive nominee to announce his vice presidential pick via Twitter.

As expected, Mr. Trump confirmed he has tabbed Indiana Gov. Mike Pence as his running mate in a tweet shortly before 11 a.m.

Mr. Trump had previously announced he was postponing the New York City press conference where he was expected to make the announcement following a mass killing in Nice, France.

But Gov. Pence faced a noon deadline Friday by which to withdraw from his gubernatorial reelection bid in order for the Indiana Republican Party to name a replacement candidate, meaning the news would have been confirmed then even without an announcement from the Trump campaign.

The formal news conference will now take place at 11 a.m. Saturday in New Jersey.

Word broke Thursday that the first term Indiana governor and former congressman was to be Mr. Trump's No. 2.

Gov. Pence has been engaged in a gubernatorial rematch with Democrat John Gregg - a race that's taken on a new element of competitiveness following Republican discontent over Mr. Pence's handling of last year's so-called Religious Freedom Restoration Act.

Mr. Pence, well thought of in religious conservative circles, is seen as an attempt by Mr. Trump to appeal to that voter bloc and to create inroads with Congress, where Gov. Pence served from 2001-2013.

The campaign of DNC presumptive nominee Hillary Clinton immediately blasted the pick in a statement, calling it the "most extreme VP pick in a generation."

Clinton campaign Chairman John Podesta criticized the governor for defunding Planned Parenthood, advocating early on for the Tea Party movement, and signing a religious freedom law that opponents say legalized discrimination against LGBT citizens.

"By picking Mike Pence as his running mate, Donald Trump has doubled down on some of his most disturbing beliefs by choosing an incredibly divisive and unpopular running mate known for supporting discriminatory politics and failed economic policies that favor millionaires and corporations over working families," Mr. Podesta said.

The campaign then promptly organized a media call featuring allied groups criticizing the Republican ticket.

**Rules Committee:** GOP leaders and Trump loyalists thwarted plans to undermine Mr. Trump's candidacy during a closely watched RNC Rules Committee meeting Thursday.

The morning meeting was delayed several hours while party leaders attempted to negotiate with members of the "Never Trump" movement, but talks soon fell apart. Those members had hoped to change rules to permit delegates to vote their conscience, thereby freeing bound delegates to vote against Mr. Trump on the first ballot.

But as the day wore on it became clear the anti-Trump contingent had too little support for success and lacked the required votes to create a minority report that would have ensured debate on the issue before the full convention next week. Amendment author Kendal Unruh said she would still attempt to earn the required 28 signatures for a minority report.

Following much debate, delegates also shot down a proposed amendment that would have barred lobbyists from being members of the RNC - a change Ohio delegate and lobbyist JoAnn Davidson strongly criticized in remarks before the body.

The committee, which had planned to meet Friday, eventually finished the agenda late Thursday and adjourned. The rules package will be sent to the full convention Monday for consideration.

RNC Chairman Reince Priebus said the meeting "made clear the high level of unity within our Party."

"Grassroots voices from every state and territory have crafted a set of rules which will keep our party strong at the local, state, and national level, and we honored the spirit of democracy by conducting our Rules Committee meeting in a completely open and transparent fashion," he said.

**Schedule:** The RNC had not yet released an official schedule of events for convention week in Cleveland as of midday Friday, just two days before the RNC is scheduled to kickoff.

But Ohio leaders and others have already announced a slew of ancillary events timed to capitalize on the convention crowd.

The Ohio Republican Party will host daily 8 a.m. breakfasts featuring Treasurer Josh Mandel and U.S. Sen. Tom Cotton (Monday); U.S. Rep. Bill Johnson and Frank Luntz (Tuesday); U.S. Rep. Pat Tiberi and House Speaker Paul Ryan (Wednesday); and Lt. Gov. Mary Taylor, U.S. Sen. Rob Portman, and Florida Attorney General Pam Bondi (Thursday).

The ORP already announced a 3:30 p.m. Tuesday event at the Rock 'n' Roll Hall of Fame to honor Gov. John Kasich.

A sampling of other events during the course of the week includes:

- Sunday - a "Taste of Little Italy" event featuring Attorney General Mike DeWine at 3 p.m. at Tony Brush Park
- Monday - a 3 p.m. campaign event in which Sen. Rob Portman, former Speaker Newt Gingrich and Sen. Joni Ernst will address Sen. Portman volunteers at the Tri-C Metropolitan Campus
- Tuesday, a 10:15 a.m. reception for media members with Sen. Rob Portman; and 11 a.m. welcome tea hosted by the Ohio Federation of Republican Women at the Wyndham Cleveland at Playhouse Square featuring U.S. Rep. Marsha Blackburn (R-Tenn.)

A partial list of convention speakers was officially released Thursday, although the time and dates of the speeches have yet to be announced by the RNC.

In contrast, the Democratic National Convention Committee announced Friday the headline speakers for the DNC in Philadelphia later this month. They include First Lady Michelle Obama and Sen. Bernie Sanders July 25, President Bill Clinton July 26, President Barack Obama and Vice President Joe Biden July 27, and Hillary Clinton and Chelsea Clinton July 28.

A series of musical acts will perform each day of the RNC at Freedom Plaza, which will also include drinks and food. For a complete list, visit the RNC's website. An evening

concert, featuring a variety of "American Idol" and "The Voice" winners will take place at 11 p.m. Tuesday at Gray's Armory.

The Clinton campaign and the DNC, meanwhile, are organizing their own counter events in Cleveland with a slew of press conferences and conference calls aimed at undercutting the RNC. Former Gov. Ted Strickland and the Ohio Democratic Party will also ramp up their attacks on U.S. Sen. Rob Portman as they seek to link him to Mr. Trump.

Other groups have scheduled their own events to criticize Republicans. The Ohio AFL-CIO is set to "welcome" Republicans to the city during a 2 p.m. Sunday event featuring former Gov. Ted Strickland at the Laborers' Local 310 Hall.

ProgressOhio has created a calendar of counter events that includes a "Daily Show" convention sideshow, League of Women Voters voter registration drives, and daily nonviolence training for protestors.

**Bob Bennett:** The City of Cleveland granted a secondary street name to the intersection of Ontario Street and Huron Road for the duration of the convention. The intersection will be known as Bob Bennett Way in honor of former ORP chairman.

"More than any one person, Bob Bennett steadfastly sought to bring the Convention to Cleveland," Ohio Republican Party Chairman Matt Borges said. "We are sad that he is not here to see the world spotlight on Cleveland, but grateful to the Mayor's office for honoring him in this way so that we can acknowledge his contribution to this week."

**Tourism:** With the RNC expected to draw 50,000 people to Cleveland, TourismOhio is rolling out all the stops to showcase Ohio, according to a press release.

The group is launching a 360 degree "virtual reality experience" during the convention, to capitalize on visitors and showcase various Ohio hotspots.

The experience will be hosted in a 40-passenger bus located outside the Quicken Loans Arena, according to the release, and will "offer a personal Ohio adventure for participants with a wide range of interests." Those not at the event can take part online.

Some of the featured items include Cedar Point, Hocking Hills, parasailing over Lake Erie, and various Cleveland attractions.

### **Campus Culture Survey Results To Inform Continued Sexual Violence Prevention, Response Efforts**

Students largely believe that their colleges and universities would seriously address sexual assault reports and take corrective action against offenders, according to their responses on surveys disseminated by all of the state's public institutions.

The surveys were an integral piece of the Changing Campus Culture initiative, which the Department of Higher Education launched last fall in an effort to encourage best practices in preventing and responding to sexual violence on campuses. (Survey Results)

Chancellor John Carey urged schools to join the voluntary effort and they responded. All of Ohio's public universities and 80% of private institutions participated in the campus climate survey that asked students to give feedback on how they think sexual assault is being handled and whether they know how to file reports.

Michelle Johnston, the University of Rio Grande/Rio Grande Community College president who has been the face of the initiative, said she's encouraged by the swell of interest in improving sexual violence policies.

The feedback, she said, will be used to steer the other facets of the \$2-million initiative, which include developing comprehensive response policies, adopting survivor-centered responses, launching awareness campaigns and implementing comprehensive training programs.

"With 100% of our public colleges and universities completing a common survey of our students, we have a clearer picture of where we are, collectively and as unique institutions," she said in a statement. "Using this data, we will thoroughly analyze where we are now and will chart a course for where we want to be, in relation to positive and safe environments on our campuses."

Students who responded to the survey agreed, on average, that the university would take sexual assault reports seriously and would support those making the reports. The average respondent also said the university would take corrective action against offenders and would take steps to protect the person making the report from retaliation.

However, students largely disagreed or were neutral with a survey statement that sexual violence is not a problem on their campuses and responses were mixed on a question of understanding institution policies for addressing complaints.

Less than one-third of students reported they don't know the contact information to get on-campus support for sexual violence despite about 13% of them saying they knew women who had been assaulted on campus.

"As I have shared many times before, numbers don't lie, and in the case of sexual violence on our campuses in Ohio, the numbers tell a story that needs a better ending," Ms. Johnston said of why the initiative was launched in October.

In addition to the aggregate data compiled by ODHE, the agency said campuses also administered more comprehensive surveys that will inform policies specific to individual institutions. All public institutions and 88% of private colleges and universities completed those surveys.

Ohio is one of few states in the country that has collected such data, according to ODHE. Much of the work to complete the surveys was done with the help of grants that were funded with a portion of the \$2 million allocated to the initiative in the biennium budget (HB 64).

The grants are also to be used to support putting best practices in place. The overall budget funding has paid for, among other things, webinars and summits to keep institutions engaged in the initiative and collaborating with one another.

"It's exciting to see Ohio dedicating state resources to collect prevalence data, support survivors and prevent sexual violence on college campuses, and partnering with the coalition and rape crisis centers," said Monika Johnson Hostler, the president of the National Alliance to End Sexual Violence.

"It is through this strategic, long-term investment and the development of partnerships between campuses and community-based programs that we will see long-term positive change for students."

### **Becker Defends Right-To-Work Bill For Public Sector, Acknowledges Its Passage Is A Longshot**

The sponsor of public sector right-to-work legislation defends introducing the controversial measure while acknowledging it is likely dead-on-arrival.

Rep. John Becker (R-Union Twp.) said legislation (HB 583) that would remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization is good policy that will likely not be well-received in the General Assembly.

"It's something my constituents have been demanding for a long time," he said in an interview. "I think it's good for Ohio and hopefully it will be able to move forward."

But We Are Ohio, which was formed in opposition to similar legislation designed to curtail the collective bargaining power of public sector unions, slammed the proposal, saying that workers in state with similar laws make less money and are more prone to on-the-job injuries.

"We believe right-to-work is wrong for Ohio, for working people, for all of us," spokesman Dennis Willard said in an interview.

"There is no support from working people in this state for this extreme idea."

Asked about the likelihood of the bill becoming law, Rep. Becker said he has "no reason to be optimistic."



"I have no feedback one way or the other, but based on the public comments that the governor has made and based on my feelings of what's going on in the Senate or where they might be, I'm not optimistic," he said.

Gov. John Kasich has said repeatedly that right-to-work legislation is not on his agenda in the wake of the public rebuke over similar legislation (SB5, 129<sup>th</sup> General Assembly) that was struck down by the state's voters in a labor-backed referendum.

John Fourtney, spokesman for the Senate Majority Caucus, said the measure has yet to be vetted by members. However, Senate President Keith Faber (R-Celina) has spoken favorably of eliminating a requirement for union shop employees to pay union dues (See Gongwer Ohio Report, January 4, 2013), but has said the support is not there among his members. (See Gongwer Ohio Report, June 3, 2013)

Carolyn Best, spokeswoman for Speaker Cliff Rosenberger (R-Clarksville), also said the bill will be discussed further among caucus members in the fall.

The fight over Senate Bill 5 galvanized the labor movement, and Rep. Becker acknowledged that the introduction of similar legislation could provide good political fodder for Democrats in an election year.

"I could see that being a drawback. It just gives the Democrats another talking point and a fundraising letter to send out," he said.

However, he said his measure is different from Senate Bill 5 in that it does not address collective bargaining benefits.

"It is simply an opt-out for public sector employees," he said.

Democrats and labor groups have derided right-to-work legislation for allowing those who opt out of paying union dues to still receive the benefits from negotiated terms of contracts. But Rep. Becker said those who opt-out under his legislation would no longer be protected by unions.

"If they run into some kind of trouble with management, they will not be able to look to the union," he said, adding that it is up to management to decide how to deal with the wages and benefits of non-union employees.

Critics have also said that right-to-work legislation is designed to weaken unions both financially and politically. Rep. Becker, however, also downplayed that critique.

"I wouldn't expect a mass exodus from unions if this were to be signed into law," he said. "If there were a significant exit, it would tell me that there's a problem with the unions. If the only way they can maintain their union through a captive audience then they need to be looking in the mirror."

Ohio Democratic Party Chairman David Pepper called the bill a "sneak attack on Ohio's working families for the lame duck session."

**Education Notes: ECOT Defends Decision To Withhold Log-In Data; Antioch Receives Accreditation; Lawmaker Urges Standards Feedback**

A spokesman for the state's largest online charter school is defending the school's refusal to hand over student log-in data requested by the Department of Education.

Electronic Classroom of Tomorrow is not breaking any laws by refusing the data that's at the center of a lawsuit alleging ODE will misuse that information to determine per-pupil funding, school spokesman Neil Clark said.

A Franklin County judge earlier this week denied ECOT's request for a temporary restraining order to stop ODE from moving forward with an audit until after the court rules how student attendance should be used to inform payment totals.

ODE on Monday moved forward with the attendance review, but an email from the agency's attorney to ECOT revealed that the school was refusing to turn over the log-in and log-out information for students.

The agency's attorney Douglas Cole requested access to the documents be immediately provided, but Mr. Clark said that won't be happening.

"We're saying we're not doing anything unless the court tells us to," he said in an interview.

ECOT is interpreting the judge's decision differently than ODE, he said. While it may have allowed the audit to move forward, there is no specification that the review can occur in a way that conflicts with a contract between the school and ODE.

The school's lawsuit argues that ODE's decision to not provide funding for students who weren't logging in at least five hours per day is out of line with an agreement that has been in place for previous audits. That contractual agreement states that the school must offer up to 920 hours of learning opportunities - not that students must partake, Mr. Clark said.

"It's just not about did you show up today, it's far more detailed than that; it's how did you get to that 920?" he said.

ODE, meanwhile, is contending that online schools are required by state law to make daily student participation records accessible, regardless of how that information is being used. Mr. Evans said in his email a statute specifying that mandate has been in place since February.

The e-school's governing board was expected to meet Friday - mostly in executive session - to discuss the lawsuit and next steps.

**Accreditation:** Antioch College this week announced it has been accredited by the Higher Learning Commission.

The independent college had spent the last two years pursuing accreditation after reopening in 2011. Originally founded in 1850, it closed in 2008 amid financial troubles and leaders have since been focused on building the historic institution back up.

President Tom Manley said in a video posted to YouTube that the university can now focus its attention on continuing to build a financial foundation and recruit students.

"This great result comes from the hard work of our faculty, our staff, students, our alumni who have been so incredibly supportive and the leadership of our board of trustees," he said. "It is a ringing endorsement of the quality and strength of the education that Antioch college can now offer, and it is a vote of confidence in our ability to offer that education for years to come."

The commission's decision is retroactive, meaning the recent graduates in the class of 2016 will receive diplomas from an accredited institution, Antioch reported.

**Standards Revisions:** Rep. Jack Cera is urging educators and the public to provide feedback on proposed revisions to English and math standards.

The Bellaire Democrat said his constituents have shared frustration with the current common core standards, known as Ohio's Learning Standards, and now is the time to recommend changes.

Through 5 p.m. Aug. 1, ODE is accepting public comments on the proposed revisions that were drafted in response to the work of a task force and an earlier public survey.

"I wanted to take the time to share this opportunity with the people of the 96th District because I have received many questions from teachers, parents and administrators about the education department's new revisions," he said. "This is a perfect opportunity for parents to get involved in the process and voice their questions, comments and concerns with those who create these standards directly."

**Court Briefs: Dems File Brief In 'Golden Week' Case; 1851 Center Seeks To Stop Eminent Domain For Pipeline; Judicial College Employee Honored**

The Ohio Democratic Party has thrown its weight behind an effort to ensure that unregistered voters have a small window prior to the presidential election to register and cast a ballot on the same day.

In a brief filed with U.S. Sixth District Court of Appeals, the party asks the court to uphold a lower court ruling that found the elimination of "Golden Week" to be a violation of the Voting Rights Act.

"Jon Husted and Mike DeWine continue to waste time and money in court, ignoring the Constitution and clear precedent while attempting to make it harder to vote," Ohio Democratic Party Chairman David Pepper said in a statement.

"In their appeal, Husted and DeWine blatantly disregard the fact that eliminating an additional week of early voting and same-day registration disproportionately impacted African-American voters. The Ohio Democratic Party will always fight to protect the fundamental right to vote for all eligible citizens."

In his ruling, U.S. District Court Judge Michael Watson found that the elimination of Golden Week disproportionately impacted black voters in Ohio. (See Gongwer Ohio Report, May 24, 2016)

In a separate decision, Judge Watson denied a request to stay the ruling for the November presidential election while the decision is appealed.

ODP is now accusing Secretary of State Jon Husted of failing to heed the ruling by not providing accurate information for voters about the start of early voting on his office's website.

"Jon Husted has a long history of blatantly ignoring court decisions that have rebuked his attacks on Ohioans' voting rights, and his refusal, once again, to provide accurate information about early voting is plainly designed to mislead Ohioans about their voting rights," Mr. Pepper said.

"If he won't relent and update the misleading information his office is providing, we will take action to ensure he follows the court order restoring 'Golden Week.' The Ohio Democratic Party will always fight to protect the fundamental right to vote for all eligible citizens."

Husted spokesman Josh Eck said the website won't be changed while the case is under appeal.

"The ruling was stayed for the upcoming August Special Election and is currently on appeal ahead of the November election. It would be irresponsible for the Secretary to begin advertising changes that may very well have to undergo further changes before the General Election, as they did in 2012," he said.

"Secretary Husted is committed to making sure all voters know the rules and can participate and we welcome others to join us in pursuing clarity over chaos."

**Eminent Domain:** The 1851 Center for Constitutional Law has asked the Wood County Common Pleas Court to dismiss more than a dozen eminent domain cases filed by a Texas pipeline company.

The group said in a court filing that Kinder Morgan's eminent domain action against 15 families in the Bowling Green area violates Ohio's constitution because the project for which it is seeking the land is not a "public necessity."

The land would be used for the "Utopia Pipeline," a private ethane pipeline running underground to a Canadian plastics factory.

"Imagine that a private sector lawyer desired to get to the Wood County Court of Common Pleas faster. Could he forcibly appropriate others' private land along the route, from his front door step to the court's parking lot to build a personal road, with no on-ramps or exits, and twenty foot walls on either side, just to represent one very wealthy client who anticipated routinely using his services?" the filing reads.

"If the answer is 'no,' then it must be here as well. And it is 'no,' because no such road would be a public use, even if the lawyer appealed to the public interest in 'justice' and 'market demand for lawyers.'"

Maurice Thompson, the group's executive director, said in a statement the proposed eminent domain action is "redistribution of wealth of the worst sort."

"The abuse along the Utopia Pipeline is a prime example of what can happen when legislators attempt to auction off Ohioans' property rights to the highest bidder," he said. "Ultimately, the Ohio Constitution prevents this abuse, and we will prevail in court. But statutes inviting this sort of behavior should be amended or repealed."

**Honor:** A long-time employee of the Ohio Judicial College has been nationally recognized for his work, the high court reported.

Kristopher Steele, an education program manager, received the 2016 Perkins Award from the National Association for Court Management

"It's because of employees like Kristopher that the Supreme Court has an outstanding reputation nationally," Chief Justice Maureen O'Connor said in a statement. "I have received multiple compliments about the Judicial College programs and our staff from my colleagues when attending national meetings."

"I am honored to win this award and will accept it on behalf of all the other dedicated personnel working behind the scenes at courts to help improve services to their communities," Mr. Steele said.

**Agency Briefs: AG's Office Doles Out Funding To Rape Crisis Centers; BWC; SOS; ODNR; PUCO; Senate**

Attorney General Mike DeWine on Friday announced that 29 rape crisis centers across the state will receive more than \$1.4 million in grant funding.

"We owe it to survivors of sexual assault to make sure they receive comprehensive support after an attack," AG DeWine said. "These funds will go toward helping agencies across the state to provide quality, compassionate care to those who need it."

The following 28 agencies will all receive \$45,803:

- Abuse and Rape Crisis Center of Warren County
- Alive, Inc., Steubenville
- Appleseed Community Mental Health Center, Ashland
- Cleveland Rape Crisis Center
- Compass Rape Crisis Center, Stark County
- Compass Rape Crisis Center, Tuscarawas County
- Compass Family and Community Services, Youngstown
- Council on Domestic Violence/Open Arms, Findlay
- Crime Victim Services, Lima
- Edna Brooks Foundation/My Sister's Place, Athens
- Erie County Prosecutor
- Eve, Inc., Marietta
- Haven of Hope, Cambridge
- Helpline of Delaware and Morrow Counties
- Highland County Domestic Violence Task Force
- Lake County Prosecutor
- New Directions, Mt. Vernon
- OneEighty, Wayne County

- Project Woman, Springfield
- Rape Crisis Center of Medina and Summit Counties
- Sexual Assault Response Network of Central Ohio
- The Cocoon, Bowling Green
- The Domestic Violence Shelter, Mansfield
- The Nord Center, Lorain
- Townhall II, Kent
- Tri-County Help Center, St. Clairsville
- Women Helping Women, Cincinnati
- YWCA of Northwest Ohio, Toledo

Another \$142,500 will be distributed to the Ohio Alliance to End Sexual Violence.

**BWC:** As the Bureau of Workers' Compensation transitions to prospective billing, it is asking private employers to report their actual payroll for the policy year ended June 30 and to reconcile any differences in premium paid prior to the closure of the "True-up" window on Aug. 15.

Employers will be removed from their current rating plan or discount program if it BWC does not receive a payroll true-up by the due date. Outstanding payroll true-ups will render the employer ineligible for participation in future rating plans or discount programs until all outstanding payroll true-ups are complete.

"This step is an important part of BWC's ongoing efforts to modernize operations and provide better service to Ohio's employers," BWC Administrator/CEO Sarah Morrison said in a statement. "It's also necessary for BWC to accurately calculate an employer's premium and for employers to maintain their participation in current rating plan or discount programs."

The transition, according to BWC, has allowed it to reduce base rates and offer employers more flexible payment options and the ability to better forecast their costs.

True-ups can be completed online and if done through the web qualifies eligible employers for a 1% premium rebate, up to a \$2,000 maximum.

The payroll true-up may also be completed through the call center at 1-800-644-6292.

**Secretary of State:** Jon Husted announced 8,480 new state business filings in June. The figure represents an increase over the same period on 2015, when 8,151 entities were formed.

June was again a record setting month for business filing; 4,300 more entities have filed so far in 2016 than at the same point in 2015.

New filings increased 21.8% from 2010-2015.

**Department of Natural Resources:** A total of 2,192 permits have been issued for drilling on the Utica Shale as of July 9, according to data from the Division of Oil and Gas Resources.

A total of 1,756 wells have been drilled, and 1,334 wells are in production, according to the ODNR.

The department also announced that Lt. Gov. Mary Taylor attended the opening ceremonies for the Scholastic Shooting Sports Foundation National Championship at the Cardinal Shooting Center in Marengo.

**PUCO:** The Public Utilities Commission of Ohio is remind consumers that that they may be eligible for budget billing.

The program, offered by Ohio's regulated electric and natural gas distribution companies, allows consumers to avoid spikes in billion in the summer and winter months.

**General Assembly:** Legislative staff and members of the Senate collected more than 33,000 pounds of canned food for the Mid-Ohio Foodbank.

The internal food drive also generated \$3,000 in donations, which will provide 39,500 meals to local residents.

**From Congress: Brown, Portman Applaud U.S. Attorney Confirmation; Kaptur Applauds Funding Awards; Gibbs; Ryan**

Ohio's senators this week applauded the confirmation of Carole Rendon as the U.S. Attorney for the Northern District of Ohio.

U.S. Sen. Sherrod Brown (D-Avon) and U.S. Sen. Rob Portman (R-Terrace Park) recommended Ms. Rendon, a former first assistant U.S. attorney, for the post last month.

"No one is more qualified to serve as U.S. Attorney for the Northern District than Carole Rendon," Sen. Brown said in a statement. "Now that she is confirmed she can continue her work on behalf of Ohioans."



Sen. Portman said, "Carole Rendon is a proud Ohioan, an accomplished lawyer, and a dedicated public servant. She has already served Ohio with distinction for seven years, and I'm pleased that she will continue as U.S. Attorney for Northern Ohio. I am grateful to my colleagues for making the right decision and confirming her nomination."

**Border:** Sen. Brown urged customs and border protection to launch an investigation into produce made using child and forced labor.

Joining with Sen. Ron Wyden (D-Ore.), he wrote to CBP Commissioner Gil Kerlikowske decrying a loophole that allows some of those products into the country if there is not a sufficient supply.

"We urge you to continue that dialogue with regular meetings between NGOs, as well as other stakeholders, and CBP, Immigration and Customs Enforcement, the State Department, and the Department of Labor and a meeting in the very near term to discuss issues related to regulations. Increased communication will lead to more successful petitions and better enforcement against forced labor imports," the senators wrote.

**Funding:** U.S. Rep. Marcy Kaptur (D-Toledo) applauded several instances of new funding awarded to her district this week.

First she welcomed news of a \$700 million retooling of Toledo's Jeep North Assembly Plant.

The project, which will equip the plant for production of the next generation of Jeep Wrangler, was announced this week by Fiat Chrysler Automobiles and promises 700 new jobs.

"This is almost beyond belief, given where we were eight short years ago," Rep. Kaptur said. "For seventy-five years Toledans have manufactured Wranglers. FCA's investment today will ensure this legacy remains for years to come."

The Cleveland Hopkins International Airport will also receive \$22.1 million in federal funds for improvements including safety upgrades and new snow removal equipment.

Lastly, Rep. Kaptur announced the award of a \$3.1 million grant to the Lorain Fire Department and the city of Lorain aimed at addressing a staffing crisis.

The funds, from FEMA's Staffing for Adequate Fire and Emergency Response program, aim to fix the fallout of the recent layoffs of 22 members of the city's fire department.

"This is obviously great news," Rep. Kaptur said. "Credit should go to the Lorain firefighters, who have actively organized in recent weeks and made their case effectively and persuasively, and to Lorain Mayor Chase Ritenauer and Lorain Fire Chief Tom Brown. Their diligence in helping to find a solution brought about this two-year solution to an immediate problem."

**Zika:** U.S. Rep. Bob Gibbs and colleagues urged President Barack Obama to expand protections against the Zika virus. The Obama Administration has opposed a resolution that would permit mosquito control programs to implement control plans without duplicative permits, Rep. Gibbs said.

"I want to know why it is acceptable for Puerto Rico to increase their defense against Zika, but not the rest of the United States?" Rep. Gibbs asked in a statement. "All Americans should be protected against the spread of Zika and I encourage the president to change his mind and allow the increased use of live-saving pesticides and give pregnant women safety from this terrible illness. If the President ends his opposition to the Conference report, Congress can take swift action to protect those most vulnerable to Zika."

An amendment on Zika from U.S. Rep. Tim Ryan (D-Niles), meanwhile, failed with a 20-29 committee vote. It would have stricken a funding cap of \$461 million on bilateral family planning and created a funding floor of \$585 million to administer anti-Zika programs.

"I am deeply disappointed that House Republicans rejected this amendment and have decided to turn their back on thousands of men and women struggling through this crisis," Rep. Ryan said.

**Abortions:** Rep. Gibbs applauded the House passage of legislation aimed at protecting health care professionals who refuse to participate in providing abortions.

The lawmaker supported the bill, saying it protects the religious freedom of those professionals.

"The House's vote today gives those willing to exercise their beliefs the option of using the court system if their employment is in jeopardy, instead of being at the mercy of a government bureaucracy," he said. "It is critical that we not only protect the unborn, but protect those whose livelihoods may be at stake for providing that protection."

**Trade:** An amendment from Rep. Ryan that would require an impact analysis on free trade agreements on wages and the demand for educator workers passed a House committee this week by voice vote.

The amendment is to a measure that would require the Bureau of Labor Statistics to submit a report on the impact of such agreements on the American workforce.

"All that you need to do is look at the shuttered factories and shattered communities across Ohio to see the devastating affect free trade agreements have had across our country," he said. "I am proud that my amendment passed and we will soon be able to know the true cost of these deals to our nation," Mr. Ryan said.

**Israel:** Sen. Portman and Sen. Claire McCaskill (D-Mo.) released a bipartisan report from the Permanent Subcommittee on Investigations examining government grants to OneVoice, which is a non-governmental organization in Israel and Palestine.

The report examines the nearly \$350,000 in grants received from the State Department to foster peace between the two counties. The report determined the NGO complied with the department's terms but shortly after the terms expired used the funds to support a political campaign.

"The State Department ignored warnings signs and funded a politically active group in a politically sensitive environment with inadequate safeguards," Sen. Portman said. "It is completely unacceptable that U.S. taxpayer dollars were used to build a political campaign infrastructure that was deployed - immediately after the grant ended - against the leader of our closest ally in the Middle East. American resources should be used to help our allies in the region, not undermine them."

**SNAP:** Rep. Ryan this week sought to push for increased digital access to the Supplemental Nutrition Assistance Program.

"If we continue on our current trajectory, we will have an adult obesity rate of 60% within 15 years," he said. "In a country, where 23.5 million people live in food deserts, we cannot allow the status quo to continue and must find new ways for all Americans to have access to fresh, healthy food."

### **Gongwer's Ohio Convention Coverage**

Gongwer News Service's planned coverage of the Republican National Convention in Cleveland next week will include regular updates to the website during the day.

Significant breaking news will be distributed through email alerts but subscribers can check the website throughout each day of the convention for updates focusing on activities of the Ohio delegation and other events.

Subscribers may also follow reporter Mikel Livingston and Gongwer on Twitter for links to those updates on our website. Mike's account is @mikellivingston and the main account is @gongwer.

### **Attorney General's Opinion**

No. 2016-023, Requested by Fairfield County Prosecuting Attorney Gregg Marx.  
SYLLABUS:

1. An emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic employed by Violet Township may provide medical services in nonemergency situations pursuant to R.C. 4765.361, so long as the medical services are performed under the direction of the emergency medical technician's medical director or cooperating physician advisory

board, are within the scope of practice of the emergency medical technician, and do not conflict with the emergency medical services described in R.C. 4765.37, R.C. 4765.38, R.C. 4765.39, and the rules adopted by the State Board of Emergency Medical, Fire, and Transportation Services.

2. An emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic employed by a township is immune from civil liability for injury, death, or loss to person or property resulting from the provision of medical services in a nonemergency situation unless the services are provided in a manner that constitutes wanton or willful misconduct, the services are manifestly outside the scope of the emergency medical technician's employment, or the services are performed with malicious purpose, in bad faith, or in a wanton or reckless manner.

3. An emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic employed by a township may not provide medical services on a routine, day-to-day basis outside the boundaries of the township when revenue from a township tax levy pays the emergency medical technician's compensation, unless the township has entered into a contract with another political subdivision pursuant to R.C. 9.60 or R.C. 505.44, or the township provides the medical services to the territory of another township or municipal corporation as a member of a joint fire district pursuant to R.C. 505.371, a fire and ambulance district pursuant to R.C. 505.375, or a joint ambulance district pursuant to R.C. 505.71.

4. A board of township trustees may establish reasonable charges for the use of medical services that are provided by an emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic employed by the township in nonemergency situations and may collect those charges from a private hospital system that agrees to pay those charges on behalf of the recipient of the medical services.

5. A board of township trustees may contract with a private hospital system to provide medical services in nonemergency situations by an emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic employed by the township to patients of the hospital who are residents and nonresidents of the township, so long as the private hospital system is a nonprofit corporation and the medical services are performed within the territory of the township.

6. A contract between the Violet Township Board of Trustees and a private hospital system for the provision of medical services in nonemergency situations may provide that the private hospital system will pay the township a sum of money for each visit performed by an emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic pursuant to the contract and that emergency medical technicians will provide medical services in nonemergency situations during the emergency medical technicians' regular work hours.